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MINUTES OF THE SUPREME COURT OF THE UNITED STATES

Roll 23

October 13, 1902 - May 29, 1905

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NOTES ON ROLL 23

The three volumes reproduced on this roll have the following backstrip titles: (1) "Minutes / 1902. / Supreme Court / of the / United States"; (2) "Minutes / 1903. / Supreme Court / of the / United States"; and (3) "Minutes / 1904. / Supreme Court / of the / United States." They contain the minutes of the Supreme Court of the United States from October 13, 1902, to May 29, 1905.

The first volume contains the minutes of the Court from October 13, 1902, to June 1, 1903; the second, from October 12, 1903, to May 31, 1904; and the third, from October 10, 1904, to May 29, 1905.

VOLUME

1902

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At the Capitol of the United States in the City of Washington and District of Columbia, being the present Seat of the National Government of the United States, on the second Monday of October (being the thirteenth day of the same month) in the year of our Lord one thousand nine hundred and two, and of the Independence of the United States the one hundred and twenty seventh, the Supreme Court of the United States met agreeably to law.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan
David J. Brewer
Henry B. Brown
George Shiras, Jr.
Edward D. White
Rufus W. Peckham
Joseph McKenna
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Richards it is ordered that A. M. Rulinson, Esquire, of Cincinnati, and Isaac N. Huntsberger, Esquire, of Toledo, State of Ohio, be admitted to practice as attorneys and counsellors of this Court and they were sworn

On motion first made to the Court in this behalf by Mr. Jeff Chandler it is ordered that Sardis Summerfield, Esquire, of Reno, State of Nevada, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Morris it is ordered that Robert Catherwood, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. W. Dudley it is ordered that P. H. Coney, Esquire, of Topeka, State of Kansas, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas H. Clark it is ordered that Warren K. Snyder, Esquire, of Oklahoma City, Oklahoma Territory, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. B. Kay it is ordered that George D. Leslie, Esquire, of San Francisco, State of California, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter D. Davidge, Jr, it is ordered that Joseph A. Burkart, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. M. Hewlett it is ordered that Robert A. Terrell, Esquire, of Washington, District of Columbia, and J. Douglas Wetmore, Esquire, of Jacksonville, State of Florida, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. H. A. Miller it is ordered that William C. Stringfellow, Esquire, of New Orleans, State of Louisiana, P. P. Carroll, Esquire, of Seattle, State of Washington, and Charles W. Mullan, Esquire, of Waterloo, State of Iowa, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. D. Bynum it is ordered that William Pleau Rooker, Esquire, of Indianapolis, State of Indiana, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

The Chief Justice announced that all motions noticed for to-day would be heard to-morrow, and that the Court would commence the call of the docket to-morrow pursuant to the 46th Rule.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Tuesday, October 14th, 1902.

Pursuant to adjournment the Court met
day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan
David J. Brewer
Henry B. Brown
George Shiras, Jr.,
Edward D. White
Rufus W. Peckham
Joseph McKenna
Associate Justices

John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf
by Mr. Solicitor General Richards it is ordered
that Heman White Chaplin, Esquire, of Boston
State of Massachusetts, be admitted to practice
as an attorney and counsellor of this Court
and he was sworn accordingly.

On motion first made to the Court in this behalf
by Mr. West Steever it is ordered that Jules on
Hall, Esquire, of New York City, be admitted
to practice as an attorney and counsellor
of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf

M. Parsons, Esquire, of Boise, State of Idaho, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William A. Maury it is ordered that E. Howard McCaleb, Jr., Esquire, of New Orleans, State of Louisiana, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas A. Clark it is ordered that Joachim R. Saussy, Esquire, of Savannah, State of Georgia, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly. 24.

On motion first made to the Court in this behalf by Mr. H. L. Manning it is ordered that Elbert Campbell Ferguson and John Leland Manning, Esquires, of Chicago, State of Illinois, be admitted to practice as attorneys and Counsellors of this Court and they were sworn accordingly. 34. 40.

On motion first made to the Court in this behalf by Mr. James M. Beck it is ordered that Charles C. Van Kirk, Esquire, of Albany, State of New

and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fred Beall it is ordered that Helen B. Hunt, Esquire, of Washington, District of Columbia, and Samuel A. Harris, Esquire of Perry, Oklahoma Territory, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

The United States, Appellant
vs.
The Officers and Crew of the S. Steamer "Mangrove" and
The Officers &c., of the U. S. Ship "New York" et al.,
vs. Appellants
The Officers and Crew of the S. Steamer Mangrove.

On motion of Mr. Solicitor General Richards, it is ordered by the Court that these cases be, and they are hereby, dismissed, pursuant to stipulation.

Mariano F. Sena,
vs. Appellant
The United States.

On motion of Mr. Solicitor General Richards, it is ordered by the Court that this cause be, and the same is hereby, dismissed, pursuant to stipulation.

216. The United States, Appellant, vs. James A. Rickert, County Treasurer &c. On motion of Mr. Solicitor General Richards, It is ordered by the Court that this cause be, and the same is hereby, reassigned for argument on Monday, December 8th. next.

463. Adah S. Norman, Petitioner, vs. The United States. The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. A. M. Rulison, in support of the same, and leave was granted to counsel for the respondent to file a brief in opposition thereto on or before Friday next.

Mr. A. M. Rulison also submitted a motion for a stay of judgment.

Original. The State of Washington, Complainant, vs. Northern Securities Co., et al. On motion of Mr. J. W. Griggs, of counsel for the defendants, leave is hereby granted to the defendants to plead, answer or demur within thirty days.

442. Sirain P. Chick et al., Petitioners, vs. Allen C. Fuller et al. The petition for a writ of certiorari herein was submitted to the consideration of the

77.

433.

5.

nd Mr. James A. Barnard, in support of the same, and Mr. Charles A. Aldrich and Mr. Frank Reed, in opposition thereto.

William E. Hale, Receiver &c., vs. Petitioner, Edward P. Allinson et al. On motion of Mr. Heman White, Chaplin leave is hereby granted him to file a printed Brief herein within ten days as amicus curiae.

William E. Hale, Receiver &c., vs. Petitioner, James A. Hillikin, The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. M. A. Doutelle, Mr. W. E. Hale and Mr. A. L. Pinckney, in support of the same, and Mr Charles E. Patterson, Mr. Stephens Bulkeley and Mr. Charles C. Van Kirk, in opposition thereto.

Railroad Equipment Co., vs. Appellant, Southern Railway Co., et al. On motion of Mr. W. A. Henderson, of counsel for the appellee, It is ordered by the Court that this cause be, and the same is hereby, passed temporarily.

John E. Hamilton, trading
as John E. Hamilton & Co.
Oct. 9 of Oct. T. 1901. vs. Petitioner,
Edward A. Price et al.,

The motion to m
the decree herein
submitted to the
siderration of t
Court by Mr. H
Preble, Jr. in support of the same, and Mr. E
Mumford Whitmore, in opposition thereto.

Bank of Iron Gate,
349. vs. Writ in Error,
Maggie A. Brady, Executrix &c.

This cause w
submitted to
consideration
the Court, pur
to the Rule, on the record and printed ar
ments by Mr. William L. Royall, of counse
for the plaintiff in error, and Mr. Solicitor G
Richards, of counsel for the defendant in er

The Guarantee Company
of North America,
H3of. vs. Petitioner,
Phenix Insurance Co. of Brook-
lyn, New York.

The petition
a writ of erro
herein was
mitted to the
sideration of
Court on Sam
Arguments by Mr. Warren Switzler, in su
port of the same, and Mr. A. C. Brune, in o
position thereto.

The Union Steamboat Co.,
97. vs. Petitioner,
The Erie & Western Trans-

The petition of Th
Mannheim Insu
ance Co., et al., fo

in this cause was submitted the consideration of the Court by Mr. Wilhelmus Mynderse in support of the same.

408 The Pacific Coast Company, Petitioner, vs. A. Reynolds et al. The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. Thomas B. Reed and Mr. George W. Towle, Jr., in support of the same.

455. London, Paris & American Bank, Limited, Petitioner, vs. Rosalie Aaronstein, Executrix. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Louis Marshall and Mr. Henry Ach, in support of the same, and Mr. S. C. Schoeling, in opposition thereto.

453. Chicago & Erie Railroad Co., Petitioner, vs. William N. Shaw. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. W. K. N. Miller and Mr. W. O. Johnson, in support of the same, and Mr. James L. McShane, in opposition thereto.

394. Indiana Power Co., Plff in Error, vs. St. Joseph & Elkhart Power Co. The motions to dismiss or affirm in this cause were submitted to the consideration of the Court on printed arguments by Mr. Charles Francis Carusi, in support of the same; and Mr. Ferdinand Winter and Mr. Frank T. Reed, in opposition thereto.

253. The Sun Life Insurance Company of America, Plff in Error, vs. Albert McCabe. In Error to the County Court of Dallas County, State of Texas.

This cause having been called to the attention of the Court by Mr. Maurice E. Locke, of Counsel for the plaintiff in error, and he having moved the Court to dismiss the writ of error in this cause, Therefore, in pursuance of said motion, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed, with costs.

Per Mr. Chief Justice Fuller.

254. The Sun Life Insurance Company of America, vs. Albert McCabe. In Error to the County Court of Dallas County, State of Texas.

the Court by Mr. Maurice E. Locke, of counsel, for the plaintiff in error, and he having moved the Court to dismiss the writ of error in this cause, Therefore, in pursuance of said Motion, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed with costs

Per Mr Chief Justice Fuller,

464. The Burlington Trust Co., et al., Petitioners, vs. Silas Porter et al., The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. C. H. Dean and Mr. B. P. Haygenes, in support of the same.

399. The Boston Trust Co., Petitioner, vs. A. G. Hall et al. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. J. L. Thorndike and Mr. Charles Theodore Russell, in support of the same, and Mr. J. Parker Kirlin, in opposition thereto.

465. Cornelius J. McNamara et al., Petitioners, vs. Home Land & Cattle Co., et al. The petition for a writ of certiorari herein was sub-

sideration of the Court on printed arguments by Mr. George R. Peck, Mr. John S. Miller, Mr. Merritt Starr and Mr. A. G. McEntire, in support of the same, and Mr. W. E. Cullen, Mr. E. C. Day, Mr. W. E. Cullen Jr., and Mr. F. C. Stanp, in opposition thereto.

71. The City of Austin, Plff in Error, vs. E. C. Bartholomew and Joseph Nalle, Receivers. In Error to the Circuit Court of the United States for the Western District of Texas.

It appearing to the Court that a motion by counsel for the plaintiff in error to dismiss the writ of error in this cause has been filed, Therefore, in pursuance of said motion, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Fuller.

112. The People of the State of New York exrel. The Cayadutta Land Road Company, vs. Curtis S. Cummings, Mayor, and James O. Getman et al, members of & composing the Common Council of the City of Gloversville, Deffts in Error. In Error to the Supreme Court of the State of New York.

Counsel for the plaintiff in error to dismiss the writ of error in this cause has been filed. Therefore, in pursuance of said authority, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed with costs.

(Per Mr. Chief Justice Fuller.)

245. O. E. Cope, Appellant, vs. Landa A. Bracken. Appeal from the Supreme Court of the Territory of Oklahoma.

It appearing to the Court that an authority of Counsel for the Appellant to dismiss this appeal has been filed, therefore, in pursuance of said authority, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed, with costs.

(Per Mr. Chief Justice Fuller.)

255. William B. Brown, Appellant, vs. John A. Drain, Street Superintendent &c. et al. The motions to dismiss or affirm in this cause were submitted to the Consideration of the Court on the record and printed arguments by Mr. Albert A. Crutcher, in support of the same, and Mr. Joseph A. Gill, in opposition thereto.

303. Simeon D. Fess, Appellant, vs. John N. Shine, U.S. Marshal &c. It is ordered by the Court that this cause be, and the same is hereby, reassigned for argument on Monday the 27th instant.

4. Fred A. Baker, Plff in Error, vs. Stephen Baldwin. This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Fred A. Baker, and Mr. A.B. Hall, of Counsel for the Plaintiff in error, and Mr. Timothy E. Tarsney, of counsel for the defendant in error.

6. The Glucose Sugar Refining Company, vs. George F. Harding et al. In Error to the Supreme Court of the State of Illinois.

This cause having been called for hearing in its regular order, and it appearing to the Court that the parties have failed to print the transcript of the record, It is, therefore, in pursuance of the tenth rule of this Court, now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby dismissed with costs.

Per Mr. Chief Justice Fuller.

7. Augustus Burgdorf et al., vs. Affirm Error
The United States to the use of The Vermont Marble Co.,

Ordered by the Court that this cause be, and the same is hereby, passed temporarily.

10. A. W. Corbus, Appt, vs. The Alaska Treadwell Gold Mining Co.
13. Charles Stewart, Appt, vs. The Washington & Alaska Steamship Co.
26. The Pacific Steam Whaling Co., Appt, vs. The United States,
29. The Pacific Coast Steamship Co., Appt, vs. The United States
30. The Pacific Coast Steamship Co. Appt, vs. The United States
31. The Pacific Coast Steamship Co. Appt, vs. The United States.

Ordered by the Court that these causes be, and they are hereby, passed temporarily.

12. Freida Schraeder, Appt, vs. Affirm Error,
The Board of County Commissioners of the County of Clark

Ordered by the Court that this cause be, and the same is hereby, passed temporarily.

3. The Manchester Fire Assurance Co., of Manchester, England, et al., vs. Appellants,
John Herriott, Treasurer of the State of Iowa, et al.,

Appeal from the Circuit Court of the United States for the Southern District of Iowa.

This cause having been called to the attention of the Court by Mr. C. W. Pierson, of Counsel for the appellees, and a stipulation of counsel to dismiss

suance of said stipulation, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed.

Per Mr. Chief Justice Fuller.

25. The Scottish Union and National Insurance Co. of Edinburgh, Scotland, and London, England, Plff in Error, vs. John Herriott and John Herriott, Treasurer of State. In Error to the Supreme Court of the State of Iowa.

This cause having been called to the attention of this Court by Mr. C. W. Mullan, of counsel for the defendant in error, and a stipulation of counsel to dismiss the writ of error in this cause having been filed, Therefore, in pursuance of said stipulation, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed.

Per Mr. Chief Justice Fuller.

306. Homer Bird, Plff in Error, vs. The United States. This cause was argued by Mr. L. T. Michener, of counsel for the plaintiff in error, and Mr. Charles Robb and Mr. Assistant Attorney General Beed, of counsel for the defendant in error.

9. The State of Iowa, Pltff in Error, vs. Edwin O. Reed et al. Defts in Error.

The argument of this cause was commenced by Mr. Charles W. Mullan, of Counsel, for the Plaintiff in error, and continued by Mr. Robert M. Wright and Mr. J. P. Dolliver, of Counsel for the defendants in Error.

Proclamation being made the Court is adjourned, until to-morrow at twelve o'clock.

Wednesday, October 15th, 1902.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
George Shiras Jr.,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Louis E. McComas it is ordered that George K. Gaither, Esquire, of Baltimore, State of Maryland, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. S. L. Leckie it is ordered that Lewis L. Wheelock, Esquire, of Owatonna, State of Minnesota, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

6, original. The State of Tennessee, Complainant, vs. The State of Virginia, — On motion of Mr. A. J. May, in behalf of counsel, it is ordered by the Court that the time within which to file the report of the Commissioners herein be, and the same is, hereby, extended to the first Monday in January, 1903.

47. Mary Phelps Montgomery, Executrix &c., vs. Pfff in Error, The City of Portland et al. — Ordered by the Court that this cause be, and the same is hereby, passed, subject to the provisions of Section 3 of Rule [illegible].

9. The State of Iowa, vs. Pfff in Error, Edwin O. Rood et al. — The argument of this cause was concluded by Mr. Charles W. Mullan, of counsel for the plaintiff in error.

11. The Citizens' Bank of Louisiana, vs. Pfff in Error, Caleb H. Parker, Tax Collector. — This cause was argued by Mr. Henry Denis, of counsel for the plaintiff in error, and Mr. E. Howard McCaleb, Jr., of counsel for the defendant in error.

American School of Magnetic Healing et al., Appellants, vs. J. M. McAnnulty.

No. 97.

The argument of this cause was commenced by Mr. James A. Markley, of counsel for the appellants, and continued by Mr. Robert A. Howard, of counsel for the appellee.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Thursday, October 16th, 1902.

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan
David J. Brewer
Henry B. Brown
George Shiras, Jr.
Edward D. White
Rufus W. Peckham
Joseph McKenna
Associate Justices

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Fred Beall it is ordered that Jean H. Everest, Esquire, of Oklahoma City, Territory of Oklahoma, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

55. George Tsukamoto, Appellant, vs. John Laekmann et al.

No. 55. Cause was submitted by the consideration of the Court on the record and printed arguments by Mr. James G. Maguire, of Counsel for the appellant, and Mr. Thomas D. Riordan, of Counsel for the

97. American School of Magnetic Healing et al., Appellants, v. J. M. McAnnulty.

The argument of this cause was continued by Mr. Robert A. Howard, of counsel for the appellee, and concluded by Mr. James A. Harkless, of counsel for the appellants.

43. The Northern Central Railway Co., Plff in Error, v. The State of Maryland.

This cause was argued by Mr. Bernard Carter, of counsel for the plaintiff in error, and Mr. Louis E. McComas and Mr. George R. Gaither, of counsel for the defendant in error.

44. Peter Nelson et al., Plffs in Error, v. The Northern Pacific Railroad Company.

The argument of this cause was commenced by Mr. James Hamilton Lewis, of counsel for the plaintiffs in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present.

The Honorable Melville W. Fuller, Chief Justice.
David J. Brewer
Henry B. Brown
George Shiras Jr. Associate
Edward D. White Justices
Rufus W. Peckham
Joseph McKenna

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. James B. Kerr it is ordered that Edmund J. McGilton, Esquire, of Omaha, State of Nebraska, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas H. Clark it is ordered that James M. Johnson, Esquire, of St. Joseph, State of Missouri, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf

Blake, Esquire, of Leadville, State of Colorado, and Jonas Leroy Bennett, Esquire, of Chicago, State of Illinois, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

144. Peter Nelson et al., Plffs in Error, vs. The Northern Pacific Railroad Company.

On motion of Mr. James B. Kerr, of counsel for the defendant in error, leave is hereby granted him to file a supplemental brief herein, and on motion of Mr. James Hamilton Lewis, of counsel for the plaintiffs in error, leave is hereby granted him to file a reply thereto.

144. Peter Nelson et al. Plffs in Error, vs. The Northern Pacific Railroad Company.

The argument of this cause was continued by Mr. James Hamilton Lewis, of counsel for the plaintiffs in error, and Mr. James B. Kerr, of counsel for the defendant in error, and concluded by Mr. James Hamilton Lewis, of counsel for the plaintiffs in error.

48. The Knights Templars & Masons Life Indemnity Co., Petitioner, vs. Rosa B. Jarman.

The argument of this cause was commenced by Mr. J. S. Gregory

petitioner, continued by Mr. Frederick H. Bacon, of counsel for the respondent, and concluded by Mr. Hervey Bryan Hicks, of counsel for the petitioner.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday, October 20th, 1902.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan
David J. Brewer
Henry B. Brown — Associate
George Shiras, Jr. — Justices.
Edward D. White
Rufus W. Peckham
Joseph McKenna

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Henry M. Hoyt it is ordered that William R. Hoar, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Willis Van Devanter it is ordered that William C. Pollock, Esquire, of Mt. Vernon, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles W. Clagett it is ordered that Conrad H. Syme, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fairfax Harrison it is ordered that James E. McDonald, Esquire, of Winnsboro, State of South Carolina, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hoke Smith it is ordered that A. Garland Dupré, Walter Guion, and John Dymond, Jr., Esquires, of New Orleans, State of Louisiana, and Border Bowman, Esquire, of Springfield, State of Ohio, be admitted to practice as attorneys and Counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John W. Corcoran it is ordered that William B. Sullivan, Esquire, of Danvers, State of Massachusetts be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter D. Davidge, Jr. it is ordered that John W. Sixe, Esquire, of Boston, State of Massachusetts, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. B. Browne it is ordered that Burnell S. Hunt, Esquire, of Denver, State of Colorado, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly

On motion first made to the Court in this behalf by Mr. Chapin Brown it is ordered that Charles L. Hutchinson, Esquire, of Portland, State of Maine, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Order.

It is ordered that the following allotment be made of the Chief Justice and Associate Justices of this Court among the Circuits, agreeably to the Act of Congress in such case made and provided, and that such allotment be entered of record, viz:

For the First Circuit, Rufus W. Peckham, Associate Justice,
" " Second " , Rufus W. Peckham, " "

For the Fourth Circuit, Melville W. Fuller, Chief Justice.
" " Fifth " , Edward D. White, Associate Justice.
" " Sixth " , John M. Harlan, " "
" " Seventh " , Henry B. Brown, " "
" " Eighth " , David J. Brewer, " "
" " Ninth " , Joseph McKenna, " "
per Mr. Chief Justice Fuller.

Lee Sung,
189 of Oct. T. 1901. vs. Appellant,
S. L. Patterson, Collector. On consideration of the motion for leave to file a petition for rehearing herein, It is now here ordered by the Court that said motion be, and the same is hereby, denied.
per Mr. Chief Justice Fuller.

Henry L. Ward, Executor, &c.,
245 of Oct. T. 1901. vs. Petitioner,
Hiram Blake et al., Executors, &c. On consideration of the motion for leave to file a petition for rehearing herein, It is now here ordered by the Court that said motion be, and the same is, hereby, denied.
per Mr. Chief Justice Fuller.

N. O. Murphy et al.,
388 of Oct. T. 1901. vs. Appellants,
James L. Allen et al., On consideration of the motion for leave to file a petition for rehearing herein, It is now here ordered by the Court that said motion be, and the same is hereby, denied.

243 of Oct. T. 1901. John E. Hanifen, trading as John E. Hanifen & Co., Petitioner, vs. Edward A. Price et al.

On consideration of the motion to modify the decree herein, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

97. The Union Steamboat Co., Petitioner, vs. The Erie & Western Transportation Company et al.

On consideration of the petition of The Mannheim Insurance Company, The Firemen's Fund Insurance Company of San Francisco, The London Assurance Corporation, and The British & Foreign Marine Insurance Company, Limited, for leave to intervene in this cause, It is now here ordered by the Court that said petition be, and the same is hereby, granted.

Per Mr. Chief Justice Fuller.

331. H. B. F. Macfarland et al., Commrs. &c., Appellants, vs. Jesse Brown et al.

332 H. B. F. Macfarland et al., Commrs. &c., Appellants, vs. Eugene [illegible]

On consideration of the motions to advance these cases, It is now here ordered by

said motions be, and the same are hereby, granted, and the cases assigned for argument on Monday, November 3d next.

Per Mr. Chief Justice Fuller.

341. Sanford Jacobi vs. The State of Alabama. In Error. On consideration of the motion to advance this cause, It is now here ordered by the Court that said motion be, and the same is hereby, granted, and the cause assigned for argument on Monday, November 3d next.

Per Mr. Chief Justice Fuller.

342. The Allegheny Oil Company et al., Petitioners, vs. Hiram A. Snyder et al. On petition for writ of Certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

On consideration of the petition for a writ of Certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

394. The Boston Fruit Company, Petitioner, vs. A. G. Hall et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

435. The Pacific Coast Company, Petitioner, vs. N. A. Reynolds et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel in support of the same, It is now here ordered by the Court that said petition be, and the same is hereby denied.

Per Mr. Chief Justice Fuller.

434. The Guarantee Company of North America, vs. Phenix Insurance Company of Brooklyn, New York. Petitioners. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

442. Swain P. Chick et al, vs. Allen C. Fuller et al. Petitioners, On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Cir.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

452. Chicago & Erie Railroad Company, Petitioner, vs. William N. Shaw. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of Counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller

453. London, Paris & American Bank, Limited, Petitioner, vs. Rosalie Aaronstein, Executrix &c. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit and of the argument of Counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller

463. Adah S. Norman, Petitioner, vs. The United States. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

464. The Burlington Trust Company et al., Petitioners, vs. Silas Porter et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel in support of the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

George Isaacs
vs. Appellant,
255. John Laedtmann, The City and County of San Francisco and The People of the State of California

Appeal from the Circuit Court of the United States for the Northern District of California;

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of California, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the order of the said Circuit Court in this cause be, and the same is, hereby, affirmed with costs.

Per Mr. Chief Justice Fuller.

William B. Brown,
vs. Appellant,
255. John A. Drain, as Street Superintendent of the City of Los Angeles, et al.

Appeal from the Circuit Court of the United States for the Southern District of California.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of California, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby affirmed with costs.

Per Mr. Chief Justice Fuller.

Mr. Justice Harlan took no part in the

349. Bank of Iron Gate, vs. Aff'in Error, Maggie A. Brady, Executrix of James D. Brady, deceased. In Error to the Circuit Court of the United States for the Eastern District of Virginia.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Virginia, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Fuller.

394. Indiana Power Company, vs. St. Joseph and Elkhart Power Company. Aff'in Error, In Error to the Supreme Court of the State of Indiana.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Indiana, and on motions to dismiss or affirm which were argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

14. Peter Ambrosini, Plaintiff in Error, vs. The United States. In Error to the District Court of the United States for the Northern District of Illinois.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Illinois, and was argued by Counsel. On consideration whereof it is now here ordered and adjudged by this Court that the judgment of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court with a direction to quash the indictment.

Per Mr. Chief Justice Fuller.

(Mr. Justice Harlan did not hear the argument and took no part in the decision.)

252. The United States, Appellant, vs. Arthur B. Barringer. Mr. Assistant Attorney General Hoyt submitted to the consideration of the Court a motion to advance this cause.

4[illegible]. Harold Crowley, Appellant, vs. The United States. Mr. Assistant Attorney General Hoyt, of Counsel for the appellee, having filed in open Court the following certificate, to wit:

"In the United States District Court

The United States
vs.
Harold Crowley
} Indictment for Embezzlement.

I, Ricardo Nadal, Clerk of the United States District Court for Porto Rico, do hereby certify that in a certain cause pending in said Court wherein The United States was plaintiff and Harold Crowley was defendant, a final judgment was rendered by said District Court on the 21st day of May, A.D. 1901, in favor of said plaintiff and against said defendant whereby said defendant was condemned to serve a term of four years in the Penitentiary; and that on the 25 day of May, A.D. 1901, said Harold Crowley was allowed an appeal from said District Court for the purpose of removing said cause to the Supreme Court of the Supreme Court of the United States.

In testimony whereof, I hereunto subscribe my name and affix the seal of said District Court, at San Juan, Porto Rico, this 14 day of August, A.D. 1902.

(Seal)

Ricardo Nadal, Clerk
by A.N. Scoville, Deputy Clerk.

moved the Court to docket and dismiss this cause pursuant to the 9th rule; and it appearing to the Court that the appellant has failed to have his cause filed and docketed in conformity with the rules of this Court, It is now here

this appeal from the United States District Court for Porto Rico be, and the same is hereby, docketed and dismissed; and that this cause be, and the same is hereby, remanded to the said District Court to be proceeded in according to law and justice.

Per Mr. Chief Justice Fuller.

415. The Wabash Railroad Co., Plaintiff in Error, v. Charles E. Pearce.

Mr. Samuel M. Lake, of counsel for the plaintiff in error, suggested the death of Charles E. Pearce, the defendant in error in this cause, and moved the Court for an order under the 15th Rule to make the proper representatives parties. Whereupon, It is now here ordered by the Court that unless the proper representatives of the said Charles E. Pearce, deceased, as aforesaid, shall voluntarily become parties within the first ten days of the ensuing term of this Court, the plaintiff in error shall be entitled to open the record, and on hearing have the judgment reversed, if it be erroneous: Provided, however, That a copy of this order shall be printed in some newspaper of general circulation in the State of Missouri, for three successive weeks, at least sixty days before the beginning of the term of the Supreme Court then next ensuing.

Per Mr. Chief Justice Fuller.

418. The Wabash Railroad Co., Plff in Error, vs. Alexander Flannigan et al. On motion of Mr. Samuel M. Lake, of Counsel for the plaintiff in error, leave is hereby granted to withdraw the transcript of record in this cause for the purpose of having it properly authenticated.

328. Charles T. Canahan, Plff in Error, vs. P. K. Connolly
329. Charles T. Canahan, Plff in Error, vs. P. K. Connolly
330. Charles T. Canahan, Plff in Error, vs. P. K. Connolly

The motion that these cases be heard as one case on the printed record in case No. 328 and that the records in cases Nos. 329 and 330 be not printed was submitted to the consideration of the Court on printed arguments by Mr. Barnwell S. Stuart and Mr. Charles J. Hughes, Jr., in support of the same, and Mr. Albert S. Blake, Mr. Charles S. Thomas, Mr. W. H. Bryant and Mr. A. H. Lee, in opposition thereto.

328. Charles T. Canahan, Plff in Error, vs. P. K. Connolly
329. Charles T. Canahan, Plff in Error, vs. P. K. Connolly
330. Charles T. Canahan, Plff in Error, vs. P. K. Connolly

The motions to dismiss in these cases were submitted to the consideration of the Court on printed arguments by Mr. Albert S. Blake, Mr. Charles S. Thomas, Mr. W. H. Bryant and Mr. A. H. Lee, in support of the same, and

in opposition thereto.

The State of Louisiana, Complainant, vs. The State of Mississippi. Mr. Walter Guion, of counsel for the complainant, submitted to the consideration of the Court a motion for leave to file a bill of complaint herein.

465 Peck Bros. Company, Petitioner, vs. The Peck Bros. & Company. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Henry D. Coghlan and Mr. J. A. O'Donnell, in support of the same, and Mr. E. A. Otis, in opposition thereto, and leave was granted counsel for the petitioner to file a reply brief on or before Friday next.

452 The Rubber Tire Wheel Co., et al., Petitioners, vs. The Goodyear Tire & Rubber Co., et al. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Hoke Smith, Mr. Borden Bowman, Mr. Frederick P. Fish and Mr. John R. Bennett, in support of the same, and Mr. Edmund Wetmore and Mr. H. A. Toulmin, in opposition thereto, and leave

a reply brief within two days.

1154. Southern Railway Co., Petitioner, vs. John R. Craig, Admr. &c. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Fairfax Harrison, in support of the same, and Mr. James E. McDonald, in opposition thereto.

1143. Richard A. Burget, Petitioner, vs. Horace R. Robinson. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. John W. Corcoran and Mr. William B. Sullivan, in support of the same, and Mr. Stiles W. Burr and Mr. John W. Saxe, in opposition thereto.

1168. Perkins County, Nebraska, Petitioner, vs. E. D. Graff. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. J. H. McGowan and Mr. C. F. Manderson, in support of the same, and Mr. J. R. Johnson in opposition thereto.

The Board of County Commissioners of Kearney County, Kansas, Petitioner,
vs.
L. Vandriss.

No. 473. The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. A. P. Jetmore, in support of the same.

The Chicago House Wrecking Co., Petitioner,
vs.
Otto C. Birney.

No. 474. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. William D. McHugh and Mr. J. M. Woolworth, in support of the same, and Mr. Charles F. Greene and Mr. R. W. Breckinridge, in opposition thereto.

United States Fidelity & Guaranty Company, Petitioner,
vs.
Omaha Building & Construction Company.

No. 469. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. E. J. McGilton, in support of the same, and Mr. H. C. Brome, in opposition thereto.

Northern Pacific Railway Co., Petitioner,
vs.
Louise H. Adams et al.

No. 466. The petition for a writ of certiorari herein was submitted to the consideration of the

and Mr. C. W. Bunn, in support of the same, and Mr. Charles S. Voorhees and Mr. R. H. Voorhees, in opposition thereto.

The State of Missouri, Complainant,
vs.
4, Original. The State of Illinois et al

On motion of Mr. William M. Springer, of counsel for the defendants, leave is hereby granted to file a motion to dismiss this case for want of prosecution.

The Equitable Life Assurance Society of the United States, Plff in Error,
vs.
320. Cecil Brown, Admr &c.

The motions to dismiss or affirm in this cause were submitted to the consideration of the Court on printed arguments by Mr. Cecil Brown, in support of the same, and Mr. Allan McCulloh, in opposition thereto.

The Kansas City Suburban Belt Railway Co., Plff in Error,
vs.
321. Andrew Herman, a minor, et al.

The motions to dismiss or affirm in this cause were submitted to the consideration of the Court on the record and printed arguments by Mr. Silas Porter, in support of the same, and Mr. S. W. Moore, Mr. Gardner Lathrop and Mr. T. K. Morrow, in opposition thereto.

384. Ida McClung, Plff in Error, vs. William A. Penny. The motion to dismiss in this cause was submitted to the consideration of the Court on the record and printed arguments by Mr. A. G. C. Bierer, in support of the same, and Mr. Samuel H. Harris, in opposition thereto.

129. The New Orleans & Washington Packet Company, Appellant, vs. The Railroad Commission of Louisiana. Appeal from the Circuit Court of the United States for the Eastern District of Louisiana.

It appearing to the Court that a stipulation of counsel for the respective parties to dismiss this appeal has been filed, Therefore, in pursuance of said stipulation, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed, each party to pay its own costs.

Per Mr. Chief Justice Fuller.

164. George A. Blinn, Jr., C. S. Hayden and U. S. Morgan, Appellants, vs. Dan Jenkins, T. A. Hawley et al. Appeal from the Circuit Court of the United States for the Northern District of Alabama.

It appearing to the Court that a stipulation of counsel for the respective parties to dismiss this

of said stipulation, It is now here ordered, adjudged and decreed by this Court that this appeal be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Fuller.

50. Alice R. Moshenwel et al., vs. Plffs in Error, The District of Columbia. The argument of this cause was commenced by Mr. Charles Cowles Tucker, of counsel for the plaintiffs in error, continued by Mr. Andrew B. Duvall, of counsel for the defendant in error, and concluded by Mr. Henry E. Davis, of counsel for the plaintiffs in error.

51. Edward A. Clarke, Petitioner, vs. Wilbur Larremore, Trustee. This cause was argued by Mr. S. Livingston Samuels, of counsel for the petitioner, and Mr. Nelson S. Spencer, of counsel for the respondent.

52. John Romig et al., Appellants, vs. Myrtle Gillett. The argument of this cause was commenced by Mr. A. A. Hochling, Jr., of counsel for the appellants.

Proclamation being made the Court is adjourned un-

Tuesday, October 21st, 1902.

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan
David J. Brewer
Henry B. Brown
George Shiras, Jr.,
Edward D. White
Rufus W. Peckham
Joseph McKenna
} Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Henry M. Hoyt it is ordered that George L. Lewis, Esquire, of Buffalo, State of New York, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Willis Van Devanter it is ordered that Anthony C. Campbell, Esquire, of Roswell, Territory of New Mexico, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William H. Button it is ordered that William H. Futrell, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

334. Henry Thomas, Petitioner vs. Interstate Building & Loan Association — Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

This cause having been called to the attention of the Court by Mr. Thomas H. Hart, of counsel for the petitioner, and he having moved the Court to dismiss the petition for a writ of certiorari herein, Therefore, in pursuance of said motion, It is now here ordered by this Court that the said petition be, and the same is hereby, dismissed.

Per Mr. Chief Justice Fuller

182. James U. Hughes, Plff in Error vs. R. B. Kepley et al. — Ordered by the Court that this cause be, and the same is hereby, continued until the next term per stipulation of counsel.

52. John Romig et al., Appellants vs. — The argument of this cause was continued

of counsel for the appellants, and Mr. William M. Springer, of counsel for the appellee, and concluded by Mr. A. A. Hoehling, Jr., of counsel, for the appellants.

53. Iowa Life Insurance Co., Pl'ff in Error
v.
Lulu F. Lewis.

The argument of this cause was commenced by Mr. Maurice E. Locke, of counsel for the plaintiff in error.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present.

The Honorable Melville W. Fuller, Chief Justice
John M. Harlan
David J. Brewer
Henry B. Brown
George Shiras, Jr.
Edward D. White
Rufus W. Peckham
Joseph McKenna
Associate Justices

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Charles Poe it is ordered that Victor H. Wallace, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and counselor of this Court and he was sworn accordingly.

53. Iowa Life Insurance Co., Plff in Error vs. Lula T. Lewis. The argument of this cause was continued by Mr. Maurice E. Locke, of counsel for the plaintiff in error, and Mr. W. J. Colbert, of counsel for the defendant in error and concluded by Mr. Maurice E. Locke, of

54. E. M. Caldwell, Plff in Error, vs. The State of North Carolina et al. This cause was argued by Mr. Charles M. Stedman, of counsel for the plaintiff in error, and Mr. Alfred M. Scales, of counsel for the defendants in error.

211. Rhines Pam-to-pee et al., Appellants vs. The United States. The argument of this cause was commenced by Mr. John B. Shipman, of counsel for the appellants, and continued by Mr. William H. Button, of counsel for the appellee.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Thursday, October 23d, 1902.

Pursuant to adjournment the Court met today at the Capitol.

Present:

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan
David J. Brewer
Henry B. Brown
George Shiras Jr.
Edward D. White
Rufus W. Peckham
Joseph McKenna
Associate Justices.

John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

211. Shinens Pam-to-pee et al., Appellants, vs. The United States. The argument of this cause was concluded by Mr. John B. Shipman, of counsel for the appellants, and leave was granted him to file a supplemental brief on or before Thursday next.

275. Lone Wolf, Principal Chief &c., et al., Appellants, vs. E. A. Hitchcock, Secretary &c. et al. The argument of this cause was commenced by Mr. William P. Springer, of counsel for the appellants, continued by Mr.

counsel for the appellees, and concluded by Mr. Hampton L. Carson, of counsel for the appellants, and leave was granted to counsel for the appellants to file a supplemental brief within one week.

340. The Cherokee Nation et al., Appellants, vs. E. A. Hitchcock, Secretary &c. This cause was submitted to the consideration of the Court, pursuant to the 20th rule, on the record and printed arguments by Mr. William M. Springer, of counsel for the appellants and Mr. Assistant Attorney General Van Devanter and Mr. William C. Pollock, of counsel for the appellees.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Friday, October 24th, 1902.

Pursuant to adjournment the Court met to-day at the Capitol

Present

The Honorable Melville W. Fuller, Chief Justice
John M. Harlan,
David J. Brewer,
Henry B. Brown,
George Shiras, Jr.,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Associate Justices

John W. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. James A. Hayden it is ordered that Robert Cairns Hayden, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and counselor of this Court and he was sworn accordingly.

147. Ed. H. Reid,
vs. Appellant;
Robert J. Jones, Sheriff.

269. Ed. H. Reid,
vs. Plff in Error;
The People of the State of Colorado.

The argument of these cases was commenced by Mr. John A. Denison, of counsel for the appellant & plaintiff in error, continued by

McKenney, of counsel for the appellee and defendants in error, and concluded by Mr. William M. Springer, of counsel for the appellant & plaintiff in error.

177. The Indiana Manufacturing Company, -vs- Appellants, Armin C. Kahne et al. This cause was argued by Mr. Chester Bradford, of counsel for the appellant, and Mr. William L. Taylor, of counsel for the appellees.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Pursuant to adjournment the Court met, to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice
John M. Harlan
David J. Brewer,
Henry B. Brown,
George Shiras, Jr., } Associate
Edward D. White, } Justices
Rufus W. Peckham
Joseph McKenna,

John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Richards it is ordered, that William A. DeLacy, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Adolph G. Wolf it is ordered that Julius Offenbach, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf

W. Williams, Jr., Esquire, of Tallahassee, State of Florida, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

38. Christian Schwartz et al., Petitioners, v. John S. Diss et al. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the Western District of Pennsylvania.

(Per Mr. Justice McKenna.)

Dissenting:
Mr. Chief Justice Fuller and
Mr. Justice Brewer.

(Mr. Justice Gray and Mr. Justice Shiras took no part in the decision of this case.)

46. J. M. Robinson & Co., vs. Riffin Bros. and J. C. Belt and C. M. King. In Error to the United States Circuit Court of Appeals for the Eighth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with Costs; and that this cause be and the same is hereby, remanded to the United States Court for the Northern District of the Indian Territory.

Per Mr. Justice Brown.

(Mr. Justice Shiras and Mr. Justice White concur in the result.)

12, Original. The State of Louisiana, Complainant, vs. The State of Mississippi. On consideration of the motion for leave to file a bill of Complaint herein,

It is now here ordered by the Court that said motion be, and the same is hereby, granted, and that a subpoena returnable on Monday January 12th, 1903, be issued and served herein.

Per Mr. Chief Justice Fuller.

The Kennedy Mining & Milling Company, Plff in Error,
vs.
The Argonaut Mining Co.
498. 498.

It is ordered by the Court that these cases be, and they are hereby, restored to the docket for reargument before a full bench.

per Mr. Chief Justice Fuller.

The United States, Appellant,
vs.
Arthur B. Barringer.
252.

On consideration of the motion to advance this cause, It is now hereordered by the Court that said motion be, and the same is hereby, granted, and the cause assigned for argument on Monday, January 5th, 1903.

per Mr. Chief Justice Fuller.

Ida McClung, Plff in Error,
vs.
William A. Penny.
384.

It is ordered by the Court that the further consideration of the motion to dismiss in this cause be, and the same is hereby, postponed until the hearing of the cause on its merits.

per Mr. Chief Justice Fuller.

459. The Rubber Tire Wheel Company et al. vs. The Goodyear Tire & Rubber Company et al. Petitioners, On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, as well in support of, as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

454. Southern Railway Company vs. John R. Craig, Administrator &c. Petitioner, On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

465. Cornelius J. McNamara et al., Petitioners, vs. Home Land and Cattle Company et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

468. Perkins County, Nebraska, Petitioner, vs. E. D. Graff. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

469. United States Fidelity & Guaranty Company, Petitioner, vs. Omaha Building & Construction Company et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

473. The Board of County Commissioners of Kearny County, Kansas, Petitioner, vs. L. Vandriver. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel in support of the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

465. The Chicago House Wrecking Company, Petitioner, v. Otto C. Birney. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

466. Northern Pacific Railway Company, Petitioner, v. Louise H. Adams et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, granted.

Per Mr. Chief Justice Fuller.

328. Charles T. Carnahan, Plff in Error, vs. C. K. Connolly. In Error to the Court of Appeals of the State of Colorado.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the State of Colorado, and on a motion to dismiss, which was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

324. Charles T. Carnahan, Plff in Error, vs. C. K. Connolly. In Error to the Court of Appeals of the State of Colorado.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the State of Colorado, and on a motion to dismiss which was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

330. Charles F. Cunnahan, P. K. Connolly, vs. Riffin Error, In Error to the Court of Appeals of the State of Colorado.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the State of Colorado, and on a motion to dismiss which was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

483. Du Shen Pau, Ng Ein, Jen Sen, Chin Ling & Fung Lie, vs. The United States. Appellants, Mr. Solicitor General Richards, of Counsel for the appellee, having filed in open Court the following certificate, to wit:

'District Court of the United States
For the Northern District of New York.

I, W. S. Doolittle, Clerk of the District and Circuit Courts of the United States for the Northern District of New York, do hereby certify that in a certain cause pending in said Court wherein The United States of America was complainant, and Du Shen Pau, Ng Ein, Jen Sin, Chin Ling, and Fung Lie were defendants a final decree was rendered by said District Court on the 29th day of April

of the said United States of America and against the said Du Shen Tau, Ng Ein, Ten Sin, Chin Ling, and that on the 22d day of January, A.D. 1902, said Du Shen Tau, Ng Ein, Ten Sen, Chin Ling, and Pung Lee prayed an appeal to the Supreme Court of the United States which was allowed.

In testimony whereof I hereunto subscribe my name and affix the seal of said District Court, at Utica, this 27 day of May, A.D. 1902.

(Seal) "W. S. Doolittle, Clerk."

moved the Court to docket and dismiss this cause pursuant to the 9th rule; and it appearing to the Court that the appellants have failed to have their cause filed and docketed in conformity with the rules of this Court, it is now here ordered, adjudged, and decreed by this Court that this appeal from the District Court of the United States for the Northern District of New York be, and the same is hereby, docketed and dismissed; and that the same be, and the same is hereby, remanded to the said District Court to be proceeded in according to law and justice.

Per Mr. Chief Justice Fuller.

486. Lee Chin Ching, vs. Appellant, Mr. Solicitor General, Richards, of Counsel

filed in open Court the following certificate, to wit:

"District Court of the United States,
For the Northern District of New York.

I, W. S. Doolittle, Clerk of the District and Circuit Courts of the United States for the Northern District of New York, do hereby certify that in a certain cause pending in said District Court wherein the United States of America was complainant and Lee Chin Ching was defendant a final decree was rendered by said District Court on the 5th day of March 1901, in favor of the said United States of America and against the said Lee Chin Ching and that on the 22d day of January, 1902, said Lee Chin Ching prayed an appeal to the Supreme Court of the United States which was allowed.

In testimony whereof, I hereunto subscribe my name and affix the seal of said District Court, at Utica, in said District, this 27th day of May, A. D. 1902.

(Seal) W. S. Doolittle, Clerk."

Moved the Court to docket and dismiss this cause pursuant to the 9th rule; and it appearing to the Court that the appellant has failed to have this cause filed and docketed in conformity with the rules of this Court; It is now here ordered, adjudged, and decreed by this Court that this appeal from the District Court of the United States for the Northern District of New York be and the same is hereby, docketed and dismissed; and

that this cause be, and the same is hereby, remanded to the said District Court to be proceeded in according to law and justice.

Per Mr. Chief Justice Fuller.

487. Moy Yee Tai and Moy On, Appellants, v. The United States. Mr. Solicitor General Richards, of Counsel for the appellee, having filed in open Court the following certificate, to wit:

"District Court of the United States, For the Northern District of New York.

I, W. S. Doolittle, Clerk of the District and Circuit Courts of the United States for the Northern District of New York, do hereby certify that in a certain cause pending in said Court wherein the United States of America was complainant and Moy Yee Tai and Moy On were defendants a final decree was rendered by said District Court on the 5th day of March, A.D. 1901, in favor of the said United States of America and against the said Moy Yee Tai and Moy On, and that on the 22d day of January, A.D. 1902, said Moy Yee Tai and Moy On prayed an appeal to the Supreme Court of the United States which was allowed.

In testimony whereof, I hereunto subscribe my name and affix the (Seal.) seal of said District Court, at Utica,

W. S. Doolittle, Clerk." moved the Court to docket and dismiss this cause pursuant to the 6th rule; and it appearing to the Court that the appellants have failed to have their cause filed and docketed in conformity with the rules of this Court, It is now here ordered, adjudged, and decreed by this Court that this appeal from the District Court of the United States for the Northern District of New York be, and the same is hereby, docketed and dismissed, and that this cause be, and the same is hereby, remanded to the said District Court to be proceeded in according to law and justice.

Per Mr Chief Justice Fuller.

417. The Rural Independent School District of Allison et al., Petitioners, vs. Eleanor L. Fairfield. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. A. M. Wright, in support of the same, and Mr. R. A. Brown, in opposition thereto.

445. Silas F. King, Petitioner, vs. L. C. Bender. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. J. C. Campbell and Mr. W. A. Melson, in support of the same, and Mr. L. C. Bender in propria persona in opposition thereto.

175. Henry A. Boedfinger vs. John W. Foster et al, Trustees. Appellant,

Mr. James R. Keaton of Counsel for the appellant submitted to the Court a motion to remit Part of the Clerk's fee for supervising the printing of the record in this cause.

On motion of Mr. John B. Collon, in behalf of Counsel, It is ordered by the Court that this cause be, and the same is hereby, advanced and assigned for argument with cause No. 965, before this day.

965. The Board of Directors of the Chicago Theological Seminary vs. Affirm Ord. The People of the State of Illinois ex rel. S. B. Raymond, County Treasurer.

476. The Minnesota Moline, Plow Co., et al, vs. The Dowagiac Manufacturing Company. Petitioners,

The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Charles M. Reck and Mr. Lepander Hill, in support of the same, and, Mr. Fred L. Chappell, in opposition thereto.

437. John M. Perkins, vs. Petitioner,

The petition for a writ of certiorari herein was

sideration of the Court on printed arguments by Mr. John M. Perkins, in propria persona, in support of the same, and Mr. Charles M. Reed and Mr. L. L. Lewis, in opposition thereto.

273. The United States, Appellant, vs. William T. Simpson, Rear Admiral U.S. Navy, et al.) The argument of this cause was commenced by Mr. Charles C. Binney, of counsel for the appellant, and continued by Mr. James A. Hayden and Mr. William B. King, of counsel for the appellees, and Mr. Assistant Attorney General Hoyt, of counsel for the appellant.)

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Tuesday, October 28th, 1902.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan
David J. Brewer
Henry B. Brown
George Shiras, Jr.
Edward D. White
Rufus W. Peckham
Joseph McKenna
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

126. Houghton E. James et al., Appellants, vs. The Germania Iron Co. and

127. James Belden, Appellant, vs. The Midway Company.

It is ordered by the Court that these cases be, and they are hereby, continued until the next term, per stipulations of counsel.

273. The United States, Appellant, vs. William T. Sampson, Rear Admiral U.S. Navy, et al.

The argument of this cause was concluded by Mr. Assistant Attorney Gen-

for the appellant.

309. The United States, Appellant, vs. George Dewey, Admiral U.S. Navy &c. et al / George Dewey, Admiral U.S. Navy &c., Appellant, vs. The "Don Juan de Austria" et al.

The argument of these cases was commenced by Mr. William B. King, of counsel for Dewey et al. continued by Mr. Charles C. Binney and Mr. Assistant Attorney General Hoyt, of counsel for the United States, and concluded by Mr. Benjamin Micon, of counsel for Dewey et al.

311. Edwin F. Stovell, for himself & the Officers & Crew of the U.S. Steamship "Nanshan", Appellant, vs. George Dewey, Admiral U.S. Navy &c.

The argument of this cause was commenced by Mr. Conrad H. Syme, of counsel for the Appellant.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Wednesday, October 29th, 1902.

Pursuant to adjournment the Court met to-day at the Capitol.

Present:

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan
David J. Brewer
Henry B. Brown
George Shiras, Jr.,
Edward D. White
Rufus W. Peckham
Joseph McKenna,
Associate Justices

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr. J. T. Ronald it is ordered that Reed Rice Rowell, Esquire, of Seattle, State of Washington, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fritz v. Briesen it is ordered that Charles M. Beerman, Esquire, of Ponce, Porto Rico, be admitted to practice as an attorney, and Counsellor of this Court and he was sworn accordingly.

273. The United States, Appellant, vs. William T. Sampson, Rear Admiral U.S. Navy, et al.

Mr. James H. Hayden, of counsel, submitted to the consideration of the Court a petition of Elizabeth B. Sampson, Administratrix of the estate of William T. Sampson, deceased, to be substituted as a party appellee in this cause, and a motion of Robley D. Evans, Rear Admiral U.S. Navy; Henry C. Taylor, Rear Admiral U.S. Navy; Charles S. Cotton, Rear Admiral U.S. Navy; French E. Chadwick, Captain U.S. Navy; Joseph G. Eaton, Captain U.S. Navy; Lucien Young, Commander U.S. Navy; and Alexander Sharp, Jr., Lieutenant Commander U.S. Navy, to be made parties appellees in this cause.

311. Edwin F. Stovell, for himself & the Officers & Crew of the U.S. Steamship "Nanshan", Appellant, vs. George Dewey, Admiral U.S. Navy, et al.

The argument of this cause was continued by Mr. Conrad H. Syme, of counsel for the appellant, and Mr. William B. King, of counsel for the appellee, and concluded by Mr. Charles W. Clagett, of counsel for the appellant.

248. The United States, Appellant, vs. Edward A. Moseley.

This cause was argued by Mr. Holmes Conrad, of counsel for the ap-

on a printed argument by Mr. Assistant Attorney General Pradt, of counsel for the appellant.

318. Robert E. Downs, Petitioner, vs. The United States. This cause was argued by Mr. Ernest A. Bigelow, of counsel for the petitioner, and Mr. Assistant Attorney General Hoyt, of counsel for the respondent, and leave was granted counsel for the petitioner to file a supplemental brief within three days.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Thursday, October 20th, 1902.

Pursuant to adjournment the Court met to-day at the Capitol.

Present:

The Honorable Melville W. Fuller, Chief Justice
John M. Harlan
David J. Brewer
Henry B. Brown
George Shiras, Jr.
Edward D. White
Rufus W. Peckham
Joseph McKenna
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. J. P. Kennedy Bryan it is ordered that Julian Mitchell, Jr., Esquire, of Charleston, State of South Carolina, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

45. The United States, Plaintiffs in Error, vs. Arthur Lynah et al. Mr. J. P. Kennedy Bryan, of counsel for the defendants in error suggested the death of James Lynah, one of the defendants in error, and moved the Court to make Harriet B. Lynah sole devisee and Executrix of the said James Lynah, a party defendant in error [illegible]

It is now here ordered by the Court that the said Harriet B. Lynah, Sole devisee and Executrix of James Lynah, deceased, be, and she is hereby, made a party defendant in error in this cause.)

57. Metcalf Brothers & Co., vs. Benjamin Barker, Jr., Trustee. This cause was argued by Mr. Nelson S. Spencer of counsel for the petitioner, and Mr. Otto T. Hess and Mr. McLeod Sykes, of counsel for the respondent.

59. The United States, vs. Charles A. Williams et al. 45. The United States, vs. Arthur Lynah et al. Plff in Error. The reargument of these cases was commenced by Mr. Robert A. Howard, of counsel for the plaintiff in error, and continued by Mr. Julian Mitchell, Jr., of counsel for Williams et al.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Monday, October 31st, 1892.

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan
David J. Brewer,
Henry B. Brown
George Shiras Jr.,
Edward D. White
Rufus W. Peckham
Joseph McKenna
Associate Justices.

John M. Wright, Esquire, Marshal.,
James H. McKenney, Clerk.

Proclamation being made the Court is opened;

On motion first made to the Court in this behalf by Mr. J. P. Ronald it is ordered that Alfred Battle, Esquire, of Seattle, State of Washington, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. L. H. Poole it is ordered that Crandal Mackey, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. P. Greeley it is ordered that Francis H. McClay, Esquire, of Pittsburgh, State of Pennsylvania, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. C. Kennedy Bryan it is ordered that William N. Graydon, Esquire, of Abbeville, State of South Carolina, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

381. The Fidelity Title & Deposit Co. of Maryland, Plff in Error, vs. The United States, use of Lewis E. Smoot. This cause was submitted to the consideration of the Court, pursuant to the 30th Rule, on the record and printed arguments by Mr. L. A. Foote, of Counsel for the plaintiff in error, and Mr. Crandal Mackey, of Counsel for the defendant in error.

59. The United States, Plff in Error, vs. Charles A. Williams et al. The reargument of these causes was continued by Mr. Julian Mitchell, Jr., of Counsel for the

45. The United States, Plff in Error, vs.

Mr. J. P. Kennedy Bryan, of counsel for Lynah et al., and concluded by Mr. Robert A. Howard, of counsel for the plaintiffs in error.

60. W. A. Calvert, Administrator &c., Plff in Error, vs. The Southern Railway Co. This cause was argued by Mr. William N. Graydon, of counsel for the plaintiff in error, and Mr. George G. Hamilton, of counsel for the defendant in error.

61. The Northern Pacific Railway Co., Appellant, vs. J. A. Soderberg. This cause was argued by Mr. C. W. Bunn, of counsel for the appellant, and Mr. J. P. Ronald, of counsel for the appellee.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday, November 3d. 1902.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan
David J. Brewer
Henry B. Brown
George Shiras Jr.
Edward D. White
Rufus W. Peckham
Joseph McKenna
Associate Justices

John M. Wright Esquire, Marshal,
James H. McKenney, Clerk

Proclamation being made the Court is opened,

On motion first made to the Court in this behalf by Mr. Henry L. Lazarus it is ordered that Charles Gayle Brown, Esquire, of Montgomery, State of Alabama, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. B. Browne it is ordered that William J. Varied, Esquire, of Los Angeles, State of California, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. N. W. Barksdale it is ordered that Cyrus N. Anderson, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

35. William J. Turpin, Appellant, v. J. B. Lemon and A. W. Lemon. Appeal from the Circuit Court of the United States for the District of West Virginia.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of West Virginia, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby affirmed with costs.

Per Mr. Justice Brown.

4. Fred A. Baker, Plff in Error, v. Stephen Baldwin. In Error to the Supreme Court of the State of Michigan.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Michigan, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this

the want of jurisdiction.

Per Mr. Chief Justice Fuller.

321. The Kansas City Suburban Belt Railway Company, vs. Affirmed. Andrew Herman, a minor, by his next friend Martin Herman, and The Union Terminal Railway Company.

In Error to the Supreme Court of the State of Kansas.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Kansas, and on motions to dismiss or affirm which were argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Fuller.

175. Henry A. Bockfinger vs. Appellant, John W. Foster et al, Trustees.

On consideration of the motion to remit part of the Clerk's fee for supervising the printing of the record in this cause, It is now here ordered by the Court that said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Fuller.

437. John M. Perkins, Petitioner, vs. Andrew B. Hendryx et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same, is hereby, denied.

Per Mr. Chief Justice Fuller.

445. Silas F. King, Petitioner, vs. J. O. Bender. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

467. Peek Bros. Company, (a corporation of Illinois), Petitioner vs. The Peek Bros. & Company, (a corporation of Connecticut) — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

472. The Rural Independent School District of Allison et al., Petitioners, vs. Eleanor G. Fairfield — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

476.	The Minnesota Moline Plow Company et al., Petitioners, vs. The Dowagiac Manufacturing Company.	On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

50.	Alice R. Mochenvel and Anthony J. Mochenvel, Plffs in Error, vs. The District of Columbia.	In Error to the Court of Appeals of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the District of Columbia, and was argued by counsel. On consideration whereof, the Court being equally divided in opinion, It is now here ordered and adjudged by this Court that the judgment of the said Court of Appeals in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Fuller.

William A. Calvert, as Administrator of the personal estate of D. C. Calvert, deceased, Plff in Error, vs. The Southern Railway Company. } In Error to the Circuit Court of the United States for the District of South Carolina.

60.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of South Carolina, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby, affirmed, with costs.

Per Mr. Chief Justice Fuller.

Ferdinand Stuertzeff, Appellant, vs. The United States. } On motion of Mr. Assistant Attorney General Hoyt, it is ordered by the Court that this cause be, and the same is hereby, passed subject to the provisions of Section 4 of Rule 20.

76.

Simeon S. Grin, Appellant, vs. John A. Shine, U.S. Marshal, etc. } This cause was submitted to the consideration of the Court on

303.

N. G. Ball and Mr. Richard Bayne, of Counsel for the appellee, with leave to Counsel for the appellant to file a brief within one week.

1311. J. Haseltine Carstairs et al, Petitioners vs. The American Bonding & Trust Co., of Baltimore City. The petition for a writ of Certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Joseph Dec. Junkin, in support of the same, and Mr. Francis B. Braeden, in opposition thereto.

8, Original. The State of Kansas, Complainant, vs. The State of Colorado. On motion of Mr. Frederic D. McKenney, in behalf of Counsel, leave is hereby granted to file the answer of the defendant and a stipulation of Counsel in relation thereto.

361. Eliza A. Wall vs. Old Colony Trust Co, et al. The motions to dismiss or affirm in this cause were submitted to the consideration of the Court on the record and printed arguments by Mr. Moorfield Storey, Mr. J. L. Hornidge, Mr. Ezra R. Thayer, Mr. Felix Kackemann, and Mr. L. S. Dabney, in support of

371. Charles P. Chisholm et al., Petitioners, vs. Zachariah Johnson. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. John W. Griggs and Mr. Gustav Kissing, in support of the same, and Mr. Robert S. Taylor, in opposition thereto.

483. W. A. Moore, Petitioner, vs. James N. Tardin et al. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Henry J. Haynsworth, in support of the same, and Mr. Fairfax Harrison, in opposition thereto.

481. Adam Foerster et al., Petitioners, vs. The United States. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Joel W. West, in support of the same, and Mr. Solicitor General Richards, in opposition thereto.

133. The Southern Pacific Railroad Company, Plff in Error, vs. Frank A. Wood & R. C. Jack. In Error to the Supreme Court of the State of California.

It appearing to the Court that an authority of Counsel for the plaintiff in error to dismiss the writ of error in this cause has been filed, Therefore, in pursuance of said authority, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Fuller.

134. The Southern Pacific Railroad Company, Plff in Error, vs. Frederick B. Jack and R. C. Jack. In Error to the Supreme Court of the State of California.

It appearing to the Court that an authority of Counsel for the plaintiff in error to dismiss the writ of error in this cause has been filed, Therefore, in pursuance of said authority, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Fuller.

62. The Mobile Transportation Co. vs. The City of Mobile — In Error; This cause was argued by Mr. Frederic G. Bromberg, of counsel for the plaintiff in error, and Mr. Harry P. Smith, of counsel for the defendant in error.

63. Edmund A. Chadwick, vs. John M. Kelley — In Error; This cause was submitted to the consideration of the Court on the record and a printed argument by Mr. George L. Bright, of counsel for the plaintiff in error. No brief filed by counsel for defendant in error.

64. Helen C. Raub et al., vs. Helen C. Carpenter et al. — In Error; The argument of this cause was commenced by Mr. Victor H. Wallace, of counsel for the plaintiffs in error, and continued by Mr. Joseph A. Burkart, of counsel for the defendant in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Tuesday, November 11th, 1902.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
George Shiras, Jr.,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Henry M. Hoyt it is ordered that Andrew J. Nellis, Esquire, of Johnstown, State of New York, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

64. Helen C. Raub et al., Plffs in Error, vs. Helen C. Carpenter et al.

The argument of this cause was continued by Mr. Joseph A. Burkart and Mr. J. J. Darlington, of counsel for the defendants in error, and concluded by Mr. Charles Poe, of counsel for the plaintiffs in error.

65. Rudolph Helwig vs. Riffin Error. The United States. This cause was argued by Mr. Henry W. Rudd, of counsel for the plaintiff in error, and Mr. Assistant Attorney General Hoyt, of counsel for the defendant in error.

66. John A. Evans, Receiver &c, vs. Riffin Error, Andrew J. Nellis. This cause was argued by Mr. Andrew J. Nellis, in propria persona, and was submitted on a printed argument by Mr. S. B. Stanton, of counsel for the plaintiff in error.

67. The Union & Planters Bank of Memphis, Penn, vs. Riffin Error, The City of Memphis et al. Ordered by the Court that this cause be, and the same is hereby, passed to be heard with case No. 221 as one case.

68. John S. Swann et al, Trustees &c, vs. Riffin Error, The State of West Virginia. On motion of Mr. Holmes Conrad, leave is hereby granted him to file a printed brief herein on behalf of interested parties.

Proclamation being made the Court is adjourned

Wednesday, November 5th, 1902.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
George Shiras, Jr.,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Associate Justices.

John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

Henry B. F. Macfarland et al., Commissioners D.C.,
vs. Appellants,
231. Jesse Brown et al.

Henry B. F. Macfarland et al., Commissioners D.C.,
vs. Appellants,
232. Eugene Byrnes et al.,
for the appellees.

These cases were argued by Mr. Arthur A. Connor and Mr. Andrew B. Duvall, of counsel for the appellants. The Court declined to hear counsel,

The Young Women's Christian Home, Appellant,

73. vs.

John L. French, Adm'r &c.

Barbara Paul et al.,

74. vs. Appellants.

John L. French, Adm'r &c.

The argument of these cases, was commenced by Mr. A. A. Hoch-ling, Jr., of Counsel for the Appellants in No. 74, and con-tinued by Mr. J. J. Darlington, of Counsel for the Appellants in No. 73, and Mr. William Henry Dennis, of Counsel for the Appellees.

Proclamation being made the Court is adjourned, until tomorrow at twelve o'clock.

Wednesday, November 5th, 1902.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan
David J. Brewer
Henry B. Brown
George Shiras, Jr.
Edward D. White
Rufus W. Peckham
Joseph McKenna
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

331. Henry B. F. Macfarland et al., Commissioners D.C., Appellants, v. Jesse Brown et al.,

334. Henry B. F. Macfarland et al., Commissioners D.C., Appellants, v. Eugene Byrnes et al.,

for the appellees.

These cases were argued by Mr. Arthur A. Connor and Mr. Andrew B. Duvall, of counsel for the appellants. The Court declined to hear counsel,

73. The Young Women's Christian Home, Appellant, vs. John L. French, Adm'r &c. et al.

74. Barbara Faul et al., Appellants, vs. John L. French, Adm'r &c.

The argument of these cases, was commenced by Mr. A. A. Hoch-ling, Jr., of Counsel for the Appellants in No. 74, and continued by Mr. J. J. Darlington, of Counsel for the appellant in No. 73, and Mr. William Henry Dennis, of Counsel for the appellees.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Thursday, November 6th, 1902.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan
David J. Brewer
Henry B. Brown
George Shiras, Jr.
Edward D. White
Rufus W. Peckham
Joseph McKenna
Associate Justices

John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. R. D. Lee Perry it is ordered that L. Thomas Dunlop, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

John S. Swann et al., Trustees &c., Plffs in Error,
v.
68. The State of West Virginia.

On motion of Mr. Holmes Conrad, it is ordered by the Court that this cause be, and the same is hereby, passed

5. Railroad Equipment Company, vs. Southern Railway Company, East Tennessee, Virginia & Georgia Railway Company, Charles M. McGhee and E. L. Langford, } On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

It appearing to the Court that a stipulation of counsel for the respective parties to dismiss the writ of certiorari in this cause has been filed, Therefore, in pursuance of said stipulation, It is now here ordered by this Court that the writ of certiorari in this cause be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Fuller.

73. The Young Women's Christian Home, Appellant, vs. John L. French, Admr. } The argument of these cases was continued by Mr. William Henry Dennis, and Mr. J. W. Smith, of counsel for the appellee, and Mr. A. A. Hoehling, Jr., of counsel for the appellants in No. 74, and concluded by Mr. J. J. Darlington, of counsel for the appellant in No. 73.

74. Barbara Paul et al., Appellants, vs. John L. French, Admr.

69. Whitney Layton, Plff in Error, vs. The State of Missouri. This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Silas H. Strawn and Mr. James L. Blair, of counsel for the plaintiff in error, and Mr. E. C. Crow, of counsel for the defendant in error.

70. S. M. Burt et al., Petitioners, vs. The Union Central Life Insurance Company. This cause was argued by Mr. Robert Ramsey, of counsel for the respondent, and submitted on a printed argument by Mr. Gardner Ruggles, of counsel for the petitioners.

75. The Oshkosh Water Works Co., Plff in Error, vs. The City of Oshkosh. This cause was argued by Mr. Thos. Hooper, of counsel for the plaintiff in error, and Mr. John F. Elwin, of counsel for the defendant in error.

77. William E. Hale, Receiver &c., Petitioner, vs. Edward P. Allinson et al. The argument of this cause was commenced by Mr. M. H. Boutelle, of counsel for the petitioner.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan
David J. Brewer
Henry B. Brown
George Shiras, Jr.
Edward D. White
Rufus W. Peckham
Joseph McKenna
Associate Justices

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

77. William E. Hale, Receiver &c., Petitioner, v. Edward P. Allinson et al. Reargument of this cause was continued by Mr. M. H. Bonteller of counsel for the petitioner, and concluded by Mr. John G. Johnson, of counsel for the respondents.

211. Sanford Jacobs, Plaintiff in Error, v. The State of Alabama. This cause was argued by Mr. Henry L. Lagrihus, of counsel for the plaintiff in error and Mr. Charles G. Brown, of counsel for the defendant in error.

Proclamation being made the Court is adjourn

Monday, November 10th, 1902.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan
David J. Brewer,
Henry B. Brown - Associate
George Shiras, Jr. Justices
Edward D. White
Rufus W. Peckham
Joseph McKenna

John W. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened;

On motion first made to the Court in this behalf by Mr. Willis Van Devanter it is ordered that James F. Tufts, Esquire, of Atchison, State of Kansas, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alexander Wolf it is ordered that Maurice D. Rosenberg, Esquire, of Washington, District of Columbia, and Clarence W. Rowley, Esquire, of Boston, State of Massachusetts, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joel F. Vaile it is ordered that William Robinson Payne, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederic D. McKenney it is ordered that Wassell Randolph, Esquire, of Memphis, State of Tennessee, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Holdsworth Gordon it is ordered that Robert Wilkinson, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John G. Drennan it is ordered that James Todd, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William M. Springer it is ordered that Charles N. Bates, Esquire, of St. Louis, State

attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. B. Browne it is ordered that Simmel D. Mills, Esquire, of Elmira, State of New York, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. H. P. Henderson it is ordered that Stephen A. Bailey Esquire, of Kansas City, State of Missouri, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

37. Edward S. Dreyer, Plff in Error, vs. The People of the State of Illinois. In Error to the Supreme Court of the State of Illinois.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Harlan

The Chief Justice announced that the Court would take a recess from Monday the 17th instant to Monday, December 1st next.

371. Charles P. Chisholm et al., Petitioners, vs. Zachariah Johnson. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

J. Haseltine Carstairs et al., Petitioners, vs. The American Bonding & Trust Company of Baltimore City. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition

481. Adam Forster et al., Petitioners, vs. The United States. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of Counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

483. W. A. Moore, Petitioner, vs. James A. Parker et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of Counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby denied.

Per Mr. Chief Justice Fuller.

15. Clarence E. Collins, Plff in Error, vs. The State of New Hampshire, In Error to the Supreme Court of the State of New Hampshire.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of New Hampshire, and was argued by counsel. On consideration whereof, the Court being equally divided in opinion, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Fuller.

9. Charles F. Champion, App't, vs. John C. Innes, U.S. Marshal.
80. John Francis et al, Petitioners, vs. The United States.

It is ordered by the Court that these causes be, and they are hereby, restored to the docket, for reargument before a full bench.

Per Mr. Chief Justice Fuller.

361. Eliza A. Hall, Plff in Error, vs. Old Colony Trust Company and Charles H. Pearson, In Error to the Supreme Judicial Court of the State of Massachusetts,

This cause came on to be heard on the transcript of the record from the Supreme Judicial Court of the State of Massachusetts, and on motions to dismiss or affirm which were argued by counsel. On

and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

10. A. W. Corbus, Appellant, vs. The Alaska Treadwell Gold Mining Co.
13. Charles Stewart, Ap'lt, vs. The Washington & Alaska Steamship Co., et al
26. The Pacific Steam Whaling Co., Ap'lt, vs. The United States.
29, 30, & 31. The Pacific Coast Steamship Co., Ap'lt, vs. The United States.

It is ordered by the Court that these cases be, and they are hereby, assigned for argument, as one case, at the head of the call for Monday, December 8th next.

Per Mr. Chief Justice Fuller.

17, 18, 19, 20, 21 & 22. The Louisville & Jeffersonville Ferry Company, Pltff in Error, vs. The Commonwealth of Kentucky. It is ordered by the Court that these cases be, and they are hereby, assigned for argument, as one case, on Monday, December 8th next, after Nos. 10 etc.

Per Mr. Chief Justice Fuller.

28. W. P. Waggoner, Pltff in Error, vs. J. M. Flack. It is ordered by the Court that this cause, be, and the same is, hereby assigned for argument on Monday, December 8th next, after Nos. 17 etc.

2. Charles F. Champion, Appt, vs. John C. Ames U.S. Marshal.
So. John Tranquiretal, Petitioners, vs. The United States.

It is ordered by the Court that these cases be, and they are hereby, assigned for argument, as one case, on Monday, December 8th next, after No. 28.

Per Mr. Chief Justice Fuller.

31. The United States, Appt, vs. The California & Oregon Land Co.
32. The California & Oregon Land Co., Appt, vs. The United States.

It is ordered by the Court that these cases be, and they are hereby assigned for argument, as one case, on Monday, December 8th next, after Nos. 2 and 30.

Per Mr. Chief Justice Fuller.

The Kennedy Mining & Milling Company, vs. Alf in Error,
49 & 50. The Argonaut Mining Co.

It is ordered by the Court that these cases be, and they are hereby, assigned for argument, as one case, on Monday, December 8th next, after Nos. 31 and 32.

Per Mr. Chief Justice Fuller.

Stephen Otis et al, vs. Alf in Error,
41. E. A. Parker.

It is ordered by the Court that this cause be, and the same is hereby, assigned for argument on Monday, December 8th next, after Nos. 49 & 50.

7. Augustus Burgdorf et al. vs. Plffs in Error, The United States to use of The Vermont Marble Co.

It is ordered by the Court that this cause be and the same is hereby assigned for argument on Monday, December 8th next after No. 44.

Per Mr. Chief Justice Fuller.

219. The Territory of Hawaii, vs. Appellant, Oaki Mandichi.

It is ordered by the Court that this cause be, and the same is hereby assigned for argument at the head of the call for Monday, March 2d, 1903.

Per Mr. Chief Justice Fuller.

503. Richard C. Ketchum, vs. Plff in Error, The United States.

Mr. Solicitor General, Richards, of Counsel for the defendant in error, having filed in open Court the following certificate, to wit:

"Circuit Court of the United States,
For the Eastern District of Texas.

I, D. W. Finch, Clerk of the Circuit Court of the United States for the Eastern District of Texas, do hereby certify that in a certain cause pending in said Court wherein The United States was plaintiff and Alex. A. Ketchum, Richard C. Ketchum and James Blake were defendants, a final judgment was rendered by said Court

said The United States, and against the said, Richard C. Ketchum, and that on the 15th day of July, A.D. 1899, said Richard C. Ketchum sued out a writ of error to said Circuit Court directed to remove said cause to the Supreme Court of the United States.

In testimony whereof I have unto subscribe my name and affix the (Seal) seal of said Circuit Court at Parkersburg this 31 day of Oct. A.D. 1899.

D. M. Parrish Clerk.

By J. B. Dailey Deputy.

moved the Court to docket and dismiss this cause pursuant to the 9th rule; and it appearing to the Court that the plaintiff in error has failed to have his cause filed and docketed in conformity with the rules of this Court. It is now here ordered and adjudged by this Court that the writ of error in this cause to the Circuit Court of the United States for the Eastern District of Pennsylvania, and the same is hereby, dismissed and dismissed: and that this cause be, and the same is hereby, remanded to the said Circuit Court to be proceeded in according to law and justice.

Per Mr. Chief Justice Fuller.

477. The United States, Appellant vs. The Northern Pacific

Mr. Solicitor General, Richards, of counsel, for the appellant, sub-

ation of the Court a motion for a writ of certiorari to bring up the whole cause and to advance the cause, or to dismiss the certificate herein.

463. Jackson H. Giles, Appellant, vs. E. Jeff Harris et al, Registrars of Montgomery County, Ala. — On motion of Mr. W.H. Smith, of counsel for the appellant, It is ordered by the Court that this cause be, and the same is hereby, advanced pursuant to the 3rd Rule.

469. Robert L. Winebrenner, Appellant, vs. Edward C. Forney. — Mr. J.J. Darlington, in behalf of counsel, submitted to the consideration of the Court a motion to advance this cause.

488. Albert G. Ropes, Claimant, Petitioner, vs. The Clyde Steamship Co., et al. — The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Henry W. Goodrich, in support of the same, and Mr. Henry Galbraith Ward, in opposition thereto.

Phenix Insurance Co., of Brooklyn, N.Y., Petitioner vs. Simeon F. Leonard — The petitions for writs of certiorari in these cases

The Orient Insurance Co. of Hartford, Conn., Petitioner,
vs.
Simeon F. Leonard

to the consideration of the Court on Sundry arguments by Mr. D. J. Schuyler, in support of same, and Mr. Henry H. Magee and Mr. Rufus A. Beach, in opposition thereto.

1177.

Isabella F. Blackstone, individually & as Executrix &c., Plff in Error,
vs.
Nathan F. Miller, Comptroller

The motion to advance this cause, was submitted to the consideration of the Court by Mr. Edward W. Sheldon, in support of the same, and Mr. Julius Offenbach, in opposition thereto.

423.

George A. Foster, Sheriff &c., et al., Appellants,
vs.
D. D. Pryor et al.

The motion to dismiss in this cause was submitted to the consideration of the Court on the record and printed arguments by Mr. S. N. Harris and Mr. Henry E. Asp, in support of the same, and Mr. Horace Speed, in opposition thereto.

173.

The Belleville & Southern Illinois R. R. Co., Petitioner,
vs.
The Citizens Savings & Loan

The petition for a writ of certiorari herein was submitted to the con-

5[illegible]

ation of the Court a motion for a writ of certiorari to bring up the whole cause and to advance the cause, or to dismiss the certificate herein.)

493. Jackson H. Giles, Appellant, vs. E. Jeff Harris et al, Registrars of Montgomery County, Ala. On motion of Mr. W.H. Smith, of counsel for the appellant, It is ordered by the Court that this cause be, and the same is hereby, advanced pursuant to the 32d Rule.)

409. Robert L. Winebrenner, Appellant, vs. Edward C. Forney. Mr. J. Darlington, in behalf of counsel, submitted to the consideration of the Court a motion to advance this cause.)

488. Albert G. Ropes, Claimant, Petitioner, vs. The Clyde Steamship Co., et al. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Henry W. Goodrich, in support of the same, and Mr. Henry Galbraith Ward, in opposition thereto.

Phenix Insurance Co., of Brooklyn, N.Y., Petitioner vs. Simon F. Leonard, and The petitions for writs of certiorari in these cases were submitted

The Orient Insurance Co. of Hartford, Conn., Petitioner, vs. Simeon F. Leonard. 497. to the consideration of the Court on Simila arguments by Mr. D. J. Schuyler, in support of same, and Mr. Henry M. Magee and Mr. Myron H. Beach, in opposition thereto.

Isabella F. Blackstone, individually & as Executrix &c., vs. Plff in Error, Nathan F. Miller, Comptroller. 423. The motion to advance this cause, was submitted, to the consideration of the Court by Mr. Edward W. Sheldon, in support of the same, and Mr. Julius Offenbach, in opposition thereto.

George A. Foster, Sheriff &c., et al., Appellants, vs. I. P. Pryor et al. 174. The motion to dismiss in this cause was submitted to the consideration of the Court on the record and printed arguments by Mr. S. H. Harris and Mr. Henry E. Asp, in support of the same, and Mr. Horace Speed, in opposition thereto.

The Belleville & Southern Illinois R.R. Co., Petitioner, vs. The Citizens Savings & Loan 50. The petition for a writ of certiorari, herein was submitted to the Con-

Court on printed arguments by Mr. Charles W. Bowers, in support of the same, and Mr. Edward Cunningham, Jr., in opposition thereto.

4, Original. The State of Missouri, Complainant, vs. The State of Illinois et al. On motion of Mr. James Todd, of counsel for the defendants, leave is hereby granted to withdraw the motion to dismiss this cause for want of prosecution.

4, Original. The State of Missouri, Complainant, vs. The State of Illinois et al. Mr. James Todd, of counsel for the defendants, submitted to the consideration of the Court a motion and a stipulation of counsel for the appointment of a Commissioner to take testimony herein and for the taking of the testimony.

72. The Telluride Power Transmission Co., et al., Plffs in Error, vs. The Rio Grande Western Railway Company. This cause was argued by Mr. H. P. Henderson, of counsel for the plaintiffs in error, and Mr. Joel F. Vaile, of counsel for the defendant in error, and leave was granted counsel for the plaintiffs in error to file an additional brief within one week and to counsel for the defendant in error to file a reply thereto within one week thereafter.

78. Dever Pickens, Appellant, vs. Susan C. Dent Roy et al. This cause was submitted to the Consideration of the Court on the record and printed argument by Mr. John W. Davis, of Counsel for the appellant. No Counsel appeared for the appellees.

79. The Hartford Fire Insurance Company, Petitioner, vs. Albert A. Wilson et al, Trustees. This cause was argued by Mr. Samuel B. Paul, of Counsel for the petitioner, and Mr. Henry P. Blair, of Counsel for the respondents.

81. Harry J. Jaquith, Trustee, Appellant, vs. Clarence W. Rowley et al. This cause was argued by Mr. Clarence W. Rowley, of Counsel for the appellees, and submitted on a printed argument by Mr. H. J. Jaquith, of Counsel for the appellant.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Tuesday, November 11th, 1902.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan
David J. Brewer
Henry B. Brown
George Shiras, Jr.,
Edward D. White
Rufus W. Peckham
Joseph McKenna
Associate Justices

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Richard C. Dale it is ordered that Charles Biddle, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

82. Miltenberger Lawder et al., Petitioners vs. William F. Stone, Collector.

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Edward S. Hatch, of Counsel for the Petitioners, and Mr. Assistant Attorney General Hoyt, of Counsel for the Respondent.

83. George H. Earle, Jr. Receiver &c, vs. Plff in Error,
Susan Carson

The argument of this cause was commenced by Mr. Charles Biddle, of Counsel for the plaintiff in error, continued by Mr. Richard C. Dale, of Counsel for the defendant in error, and concluded by Mr. Asa W. Wallers, of Counsel for the plaintiff in error.

84. Joseph H. Beals, vs. Plff in Error,
James J. Cone et al

The argument of this cause was commenced by Mr. H. B. Johnson, of Counsel for the plaintiff in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Wednesday, November 12th, 1902.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan
David J. Brewer
Henry B. Brown
George Shiras, Jr.
Edward D. White
Rufus W. Peckham
Joseph McKenna
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

192. Freida Schrader et al. vs. The Board of County Commissioners of the County of Lake. Plff in Error,

On motion of Mr. H. B. Johnson of counsel for the plaintiff in error, It is ordered by the Court that this cause be, and the same is hereby, continued until the next term, per stipulation of counsel.

193 The United States Appellant, vs. Evett D. Nix.
194 Evett D. Nix, Appellant, vs. The United States.

Mr. Franklin A. Mackey, of counsel for Nix submitted to the consideration of the Court a suggestion of diminution of the record and mo-

92. James H. Eudora, Plff in Err. vs. The State of Iowa. On motion of Mr. S. J. Crawford, of Counsel for the plaintiff in error, it is ordered by the Court that this cause be, and the same is hereby, dismissed.

93. John Kelley, Plff in Err. vs. Oliver P. Rhoads. This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. J. A. Van Ordel, of Counsel for the plaintiff in error, and Mr. Willis Van Devanter, of Counsel for the defendant in error.

94. Joseph N. Beals, Plff in Err. vs. James J. Cone et al. The argument of this cause was continued by Mr. Charles S. Thomas, of Counsel for the defendants in error, and concluded by Mr. H. B. Johnson, of Counsel for the plaintiff in error.

95. C. Elliott & Company et al., Appellants, vs. Ferdinand Jeffner. This cause was submitted to the consideration of the Court on the record and a printed argument by Mr. Richard Brennan, of Counsel for the appellee. No brief was filed by counsel for the appellants.

86. The Home for Incurables, Plff in Error.
vs.
The City of New York.

This cause was argued by Mr. George L. Sterling, of counsel for the defendant in error, and submitted on a printed argument by Mr. John M. Perry, of counsel for the plaintiff in error.

87. Jane Johnson,
vs. Plff in Error,
The New York Life Insurance Company.

This cause was argued by Mr. James A. McClintock of counsel for the defendant in error, and submitted on a printed argument by Mr. Constantine J. Smyth, of counsel for the plaintiff in error.

88. Andrew W. Smythe et al,
vs. Plffs in Error,
The United States.

The argument of this cause was commenced by Mr. William A. Maury, of counsel for the plaintiffs in error, continued by Mr. Assistant Attorney General Beck, of counsel for the defendant in error, and concluded by Mr. W. B. Spencer, of counsel for the plaintiff in error.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present:

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan,
David J. Brewer,
Henry B. Brown,
George Shiras, Jr.,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna, Associate Justices.
John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

1/73. George A. Foster, Sheriff, etc., et al., Appellants, v. E. P. Pryor et al.,

On motion of Mr. William R. Hart, of Counsel for the appellants, leave is hereby granted Counsel for the appellants to file an additional brief in opposition to the motion to dismiss herein.

91. Martha E. Smith et al., Plffs in Error, v. Parry L. Deweese, Receiver of The First National Bank of Sedalia, Missouri,

Mr. H. S. Shirk, of Counsel for the defendant in error, suggested the resignation of Parry

appointment of Edwin F. Brown as his successor as Receiver of The First National of Bank of Sedalia, Missouri, and moved the Court to make the said Edwin F. Brown, as such Receiver, the party defendant in error herein. Whereupon, It is now here ordered by the Court that the said Edwin F. Brown, Receiver of The First National Bank of Sedalia, Missouri, be, and he is hereby, made the party defendant in error in this cause.

Owen McCann, trading and doing business as McCann & Company, Plff in Error,
v.
The Commonwealth of Pennsylvania for use of Levi Wells, Dairy and Food Commissioner of the Commonwealth of Pennsylvania.

In Error to the Supreme Court of the State of Pennsylvania.

This cause having been called for hearing in its regular order, and it appearing to the Court that the parties have failed to print the transcript of the record, It is, therefore, in pursuance of the tenth rule of this Court, now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Fuller.

89. E. M. Ayres, vs. Plff in Error, John A. Polsdorfer & wife. The argument of this cause was commenced by Mr. J. B. Heiskell, of Counsel for the plaintiff in error, continued by Mr. Russell Randolph, of Counsel for the defendants in error, and concluded by Mr. P. B. Turley, of Counsel for the plaintiff in error.

90. Anton Meneke, vs. Petitioner, A Cargo of Java Sugar &c. Ship "Bentzien" &c. This cause was argued by Mr. J. Parker Kirlin, of Counsel for the petitioner, and Mr. Wilhelmus Mynderse, of Counsel for the respondents.

91. Martha E. Smith et al, vs. Plffs in Error, Edwin F. Brown, Receiver &c. This cause was argued by Mr. William E. Shuck, of Counsel for the defendant in error, and submitted on a printed argument by Mr. William M. Williams, of Counsel for the plaintiffs in error.

94. The Connecticut Mutual Life Insurance Co., vs. Petitioner, Sallie E. Hillemon. The argument of this cause was commenced by Mr. L. B. Wheat, of Counsel for the respondent.

Proclamation being made the Court is adjourned until

Friday, November 14th, 1902.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan
David J. Brewer
Henry B. Brown
George Shiras, Jr.
Edward D. White
Rufus W. Peckham
Joseph McKenna
Associate Justices

John M. Wright, Esquire, Marshal
James H. McKenney, Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Louis A. Pradt it is ordered that D. J. Partello, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. L. B. Wheat it is ordered that Arthur M. Jackson, Esquire, of Leavenworth, State of Kansas, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William G. Beale it is ordered that Buell McKeever, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Goode it is ordered that John C. Mathis, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

94. The Connecticut Mutual Life Insurance Co., Petitioner, vs. Sallie E. Hillmon. The argument of this cause was continued by Mr. William G. Beale, of counsel for the petitioner, and Mr. L. B. Wheat, of counsel for the respondent, and concluded by Mr. William G. Beale, for the petitioner.

100. Edward D. Page, Bankrupt, Appellant, vs. Charles W. Edmunds, Trustee. This cause was argued by Mr. George H. Weeks, Jr., of counsel for the appellant, and submitted on a printed argument by Mr. Henry La Barre Jayne and Mr. Henry K. Edmunds of counsel for the appellee.

Proclamation being made the Court is adjourned

Monday, November 17th. 1902.

Pursuant to adjournment the Court met today at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan
David J. Brewer
Henry B. Brown
George Shiras, Jr.,
Edward D. White
Rufus W. Peckham
Joseph McKenna
Associate Justices

John N. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Thomas H. Clark it is ordered that Robert L. Scherer and John Murray Downs, Esquires, of Albany, State of New York, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederic D. McKenney it is ordered that Frank Crozier, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and counselor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fairfax Harrison it is ordered that Pearce Home, Jr., Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fred Beall it is ordered that Burton D. Doyle, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. R. F. Hill it is ordered that Grant Gillespie, Esquire, of Bloomfield, State of Missouri, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

306. Homer Bird, Plff in Error, vs. The United States. In Error to the District Court of the United States for the District of Alaska.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of Alaska, and was argued by Counsel. On consideration whereof, it is now here ordered and adjudged by this Court that the

be, and the same is hereby, affirmed.

Per Mr. Justice McKenna.

27. American School of Magnetic Healing and J. A. Kelley, Appellants, vs. J. M. McAnnulty. Appeal from the Circuit Court of the United States for the Western District of Missouri

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western District of Missouri, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to overrule the defendants demurrer to the amended bill, with leave to answer, and to grant a temporary injunction as applied for by complainants, and to take such further proceedings as may be proper and not inconsistent with the opinion of this Court.

Per Mr. Justice Peckham.

Dissenting:
Mr. Justice White and
Mr. Justice McKenna.

9. The State of Iowa, Plff in Error, v. Edwin O. Rood, Charles W. Rood, George A. Wallace et al. In Error to the Supreme Court of the State of Iowa.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Iowa, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Justice Brown.

52. John Romig and Daniel W. Harding, Appellants, v. Myrtle Gillett. Appeal from the Supreme Court of the Territory of Oklahoma.

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory of Oklahoma, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Supreme Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court with directions to set aside the order of the trial Court, and to direct the entry of one which, without disturbing the

the right to appear, plead and make such defense as under the facts of the case and the principles of equity she is entitled to.

~ Per Mr. Justice Brewer. ~

341. Simford Jacobi vs. The State of Alabama. } In Error to the Supreme Court of the State of Alabama.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Alabama, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

~ Per Mr. Chief Justice Fuller. ~

4, Original. The State of Missouri, Complainant, vs. The State of Illinois et al. } This cause coming on to be heard on the application of the parties, duly appearing by their counsel, for the appointment of a special commissioner to take testimony herein, and their stipulation in regard to the same heretofore filed by leave, and said application and stipulation having been duly considered,

It is ordered, That Mr. Frank S. Bright, a member of this bar and a resident of the District of Columbia, be, and he is hereby, appointed a

in this cause, with the powers of a Master in Chancery as provided in the rules of this Court; but said Commissioner shall not make any findings of fact or state any conclusions of law.

It is further ordered, That the taking of testimony on complainants behalf shall begin on the first day of December, A.D. 1902, at such place as counsel for complainant may designate, ten days notice thereof to be given counsel for defendants; and shall be concluded on or before the twenty-eighth day of February, A.D. 1903; that the taking of testimony on behalf of defendants shall commence on the second day of March and be concluded on or before the first day of June, A.D. 1903, ten days notice of the place where such testimony will be taken being given to counsel for complainant; that testimony in rebuttal shall then be taken, five days' notice of the place being given, and shall be concluded on or before the fifteenth day of June, A.D. 1903; and thereafter defendants may take further testimony until the first day of July, A.D. 1903, at which time the taking of testimony in the cause shall be closed.

Said Commissioner shall report to the Court the testimony taken by him, without findings of fact or conclusions of law, with all convenient speed, and shall receive, as agreed by the parties, twenty dollars per day for his compensation, and his actual expenses, an itemized statement of

George A. Foster, Sheriff &c., et al., Appellants,
173. v.
S. P. Pryor et al.

It is ordered by the Court that the further consideration of the motion to dismiss in this cause be, and the same is hereby, postponed until the hearing of the cause on its merits.

Per Mr. Chief Justice Fuller.

Robert L. Winebrenner, Appellant,
409. v.
Edward C. Forney.

On consideration of the motion to advance this cause, It is now here ordered by the Court that said motion be, and the same is hereby, granted and the cause assigned for argument on Monday, March 2d, 1903, after the cases heretofore assigned for that day.

Per Mr. Chief Justice Fuller.

Ida McClung, Plaintiff in Error,
384. v.
William A. Penney.

It is ordered by the Court that this cause be, and the same is hereby, advanced and assigned for argument on Monday, March 2, 1903, after the cases heretofore assigned for that day.

Per Mr. Chief Justice Fuller.

The United States, Appellant
477. v.
The Northern Pacific Railroad Company et al.

On consideration of the motion for a writ of certiorari to bring

and cause, and that the cause be advanced.

It is now here ordered by the Court that said motion be, and the same is hereby, granted, the transcript of record submitted with motion to stand as a return to the writ, and the cause is advanced and assigned for argument on Monday, October 19th, 1903.

Per Mr. Chief Justice Fuller.

488. Albert G. Ropes, Claimant of the Steamtug "James A. Lawrence" &c., Petitioner, vs. The Clyde Steamship Company et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by this Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

496. Phenix Insurance Company of Brooklyn, New York, Petitioner, vs. Simeon F. Leonard. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Cir.

herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of Counsel thereupon had, as well in support of as against the same, It is now here ordered by this Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

447. The Orient Insurance Company of Hartford, Connecticut, Petitioner, vs. Simeon T. Leonard. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of Counsel thereupon had, as well in support of as against the same, It is now here ordered by this Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

500. The Belleville & Southern Illinois Railroad Company, Petitioner, vs. The Citizens' Savings & Loan Association et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit and of the argu-

ment of counsel thereupon had as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

142. The United States, Appellant, vs. Evett D. Nix
195. Evett D. Nix, Appellant, vs. The United States.

On consideration of the suggestion of a diminution of the record and motion for a writ of certiorari herein, It is now here ordered by the Court that said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Fuller.

51. Edward H. Clarke, Petitioner, vs. Wilbur Larremore Justice. It is ordered by the Court that this cause be, and the same is, hereby, restored to the docket with leave to counsel to submit the same on the briefs on file, and additional briefs if desired, to a full bench on or before December 5th next.

Per Mr. Chief Justice Fuller.

61. The Northern Pacific Railway Co., Appellant, vs. J. A. Soderberg. It is ordered by the Court that this cause be, and the same is hereby, restored to the docket and as-

next after the cases heretofore assigned for that day.

Per Mr. Chief Justice Fuller.

91. Martha E. Smith and Sarah E. Cotton, vs. Edwin F. Brown, Receiver of The First National Bank of Sedalia, Missouri. Pffs in Error. In Error to the United States Circuit Court of Appeals for the Eighth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel. On consideration whereof it is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the Western District of Missouri.

Per Mr. Chief Justice Fuller.

382. John A. Humbird et al., vs. Waldo A. Avery et al. Appellants.

Mr. Solicitor General Richards submitted to the consideration of the Court a motion for leave to intervene on behalf of The United States herein and a joint motion of counsel for the respective parties that the entire record and

be sent up to this Court and that the cause be advanced.

297. Andrew J. Aikens, Plff in Error, vs. The State of Wisconsin. Mr. Louis A. Pradt, in behalf of Counsel, submitted to the consideration of the Court motions to advance these cases.

298. Albert Huegin, Plff in Error, vs. The State of Wisconsin.

508. Christopher C. Crabb et al., Petitioners, vs. John Jay Harvey Williams. The petition for a writ of certiorari herein was submitted to the consideration of the Court on a printed argument by Mr. Thomas A. Moran and Mr. Levy Mayer, in support of the same, with leave to Mr. Frank Crozier, of counsel for the respondent, to file a printed argument in opposition thereto within six days, and to Counsel for the petitioner to file a reply thereto within four days thereafter.

Isabella F. Blackstone, individually & as Executrix &c., Plff in Error, vs. Nathan F. Miller, Complainant. The motion to require the plaintiff in error to give a new bond herein was submitted to the consideration of the Court on printed arguments by Mr. Julius Offenbach, in support of the same, and Mr. Robert Wilkinson and Mr. Ed-

James L. Hyatt Chief of Police of the City of Albany, N.Y.,
1492. vs. } Writ in Error
The People of the State of New York ex rel. Charles E. Cordran.

Mr. John Murray Doyon, of counsel for the plaintiff in error, submitted to the consideration of the Court a motion to advance this cause.

Reuben M. Manley Executor,
120. vs. } Writ in Error
Richard A. Park.

Mr. J. F. Pufts, of counsel for the defendant in error, suggested the death of Richard A. Park, the defendant in error, and moved the Court to make Anna O. Park, as the assignee of said Richard A. Park, the party defendant in error in this cause. Whereupon, It is now here ordered by the Court that the said Anna O. Park, as Assignee of Richard A. Park, deceased, be, and she is hereby, made the party defendant in error in this cause.

Ex parte In the matter of Thomas E. Kepner, Petitioner.

Mr. Thomas H. Clark, in behalf of counsel for the petitioner, submitted to the consideration of the Court a motion for leave to file a petition for a writ of certiorari herein and leave was granted Mr. Solicitor General Richards to file a brief in opposition thereto within two weeks.

400. The District of Columbia, Appellant, vs. Elias E. Barnes. The motion to dismiss in this cause was submitted to the consideration of the Court on the record and printed arguments by Mr. John C. Fay, in support of the same, and Mr. Solicitor General Richards and Mr. Robert A. Howard, in opposition thereto.

78. Dever Pickens, Appellant, vs. Susan C. Dent Roy et al. On motion of Mr. Burton T. Doyle, in behalf of counsel, leave is hereby granted counsel for the appellees to file a printed brief herein within five days.

Proclamation being made the Court is adjourned, until Monday, December 1st next, at twelve o'clock.

Monday, December 1st, 1902.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan
David J. Brewer
Henry B. Brown
George Shiras Jr.
Edward D. White
Rufus W. Peckham
Joseph McKenna
Associate Justices.
John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Richards it is ordered that John J. McHatton, Esquire, of Butte, State of Montana, and Harry H. Hall, Esquire, of New Orleans, State of Louisiana, be admitted to practice as attorneys and counsellors of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph A. Gaines it is ordered that S.S. Green, Esquire, of Charleston, State of West Virginia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C.H. VanAlstine it is ordered that John A. Roemer, Esquire, of Milwaukee, State of Wisconsin, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel Maddox it is ordered that Clarence R. Wilson, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

248. The United States, Appellant, vs. Edward A. Moseley. Appeal from the Court of Claims

This cause came on to be heard on the transcript of the record from the Court of Claims, and was argued by Counsel. On consideration whereof, it is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause be, and the same is hereby, affirmed.

Per Mr. Justice McKenna.

381. The Fidelity and Deposit Company of Maryland, Plff in Error, vs. The United States of America to the use of Lewis E. Smoot. In Error to the Court of Appeals of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the District of Columbia, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Appeals in this cause be, and the same is hereby, affirmed with costs.

(Per Mr. Justice McKenna.)

43. The Northern Central Railway Company, Plff in Error, vs. The State of Maryland. In Error to the Court of Appeals of the State of Maryland.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the State of Maryland, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Appeals in this cause be, and the same is hereby, affirmed with costs.

(Per Mr. Justice White.)

82. Miltenberger Lawder, Percy M. Lawder, and W. Ward Lawder, copartners, trading as S. M. Lawder & Sons, Petitioners, vs. William F. Stone, Collector of Customs for the District of Baltimore, Maryland. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, reversed with costs, and that the decree of the Circuit Court of the United States for the District of Maryland be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court with a direction to carry its judgment into effect.

Per Mr. Justice White.

66. John N. Evans, as Receiver &c., Plff in Error, vs. Andrew J. Mellis. On certificate from the United States Circuit Court of Appeals for the Second Circuit.

This cause came on to be heard on a certificate from

Second Circuit, and was argued by Counsel. On consideration whereof, It is the opinion of this Court that the third question certified must be answered in the negative. Whereupon, It is now here ordered by this Court that it be so certified to the said United States Circuit Court of Appeals.

Per Mr. Justice White

340. The Cherokee Nation and Thomas M. Buffington et al., Appellants, vs. Ethan A. Hitchcock, Secretary of the Interior. Appeal from the Court of Appeals of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the District of Columbia, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Court of Appeals in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice White.

320. The Equitable Life Assurance Society of the United States, Plff in Error, vs. Cecil Brown, Administrator of the estate of David B. Smith, dec'd. In Error to the Supreme Court of the Territory of Hawaii.

This cause came on to be heard on the transcript of

of Hawaii, and on motions to dismiss or affirm, which were argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Justice White.

39. The Security Trust Company, as Administrator of the estate of Sumner N. Mattison, deceased, Petitioner, vs. The Black River National Bank of Lowville. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals and the judgment of the Circuit Court of the United States for the District of Minnesota in this cause be, and the same are hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to enter judgment in conformity with the opinion of this Court.

Per Mr. Justice Shiras.

The Security Trust Company, as Administrator of the estate of Sumner W. Mattison, deceased, Plff in Error,
vs.
William A. Dent, as Receiver of The First National Bank of Decorah
No. 42.

It is ordered by the Court that a writ of certiorari be, and the same is hereby, allowed, the transcript of record heretofore filed on the writ of error to be taken and deemed as a sufficient return thereto.

Per Mr. Justice Shiras.

The Security Trust Company, as Administrator of the estate of Sumner W. Mattison, deceased,
vs.
William A. Dent, as Receiver of The First National Bank of Decorah.
No. 42.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals and the judgment of the Circuit Court of the United States for the District of Minnesota in this cause be, and the same are hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to enter judgment in accordance with

90. Anton Menecke, Petitioner, vs. A Cargo of Java Sugar, ex Ship "Benlariq", James N. Jarvie et al., Claimants. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, reversed with costs, and that the decree of the District Court of the United States for the Eastern District of New York be, and the same is hereby, affirmed with interest thereon from the time of its entry; and that this cause be, and the same is hereby, remanded to the said District Court.

Per Mr. Justice Shiras.

331. Henry B. F. Macfarland, John W. Ross and John Biddle, Commissioners of the District of Columbia, Appellants, vs. Jesse Brown and Rosa Wallach. Appeal from the Court of Appeals of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the District of Columbia, and was argued by Coun-

ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed, for the want of jurisdiction.

Per Mr. Justice Shiras.

332. Henry B. F. Macfarland, John W. Ross and John Biddle, Commissioners of the District of Columbia, Appellants, vs. Eugene Byrnes et al. Appeal from the Court of Appeals of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the District of Columbia, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Justice Shiras.

303. Simeon S. Grin, Appellant, vs. John N. Shing, United States Marshal for the Northern District of California. Appeal from the Circuit Court of the United States for the Northern District of California.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of California, and was argued by counsel. On consideration whereof,

this Court that the order of the said Circuit Court in this cause be, and the same is hereby, affirmed, with costs.

(Per Mr. Justice Brewer.)

269. Ed. N. Reid, Plff in Error, vs. The People of the State of Colorado. In Error to the Supreme Court of the State of Colorado.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Colorado, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

(Per Mr. Justice Harlan.)

Dissenting:
Mr. Justice Brewer.

147. Ed. N. Reid, Appellant, vs. Robert H. Jones, Sheriff of the County of Arapahoe, Colorado. Appeal from the Circuit Court of the United States for the District of Colorado.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Colorado, and was argued by counsel. On consideration whereof,

by this Court that the final order of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

(per Mr. Justice Harlan.)

No. The Home for Incurables, Plff in Error, vs. The City of New York. In Error to the Supreme Court of the State of New York.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of New York, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

(per Mr. Justice Harlan.)

57. Metcalf Brothers & Company, Petitioners, vs. Benjamin Barker Jr. Trustee in Bankruptcy of Lasar Brothers. On a certificate from the United States Circuit Court of Appeals for the Second Circuit.

This cause came on to be heard on a certificate from the United States Circuit Court of Appeals for the Second Circuit, and was argued by Counsel. On consideration whereof, It is the opinion of this Court that the first question must be answered in the negative and the third question in the affirmative. Whereupon, It is now here

said United States Circuit Court of Appeals.
Per Mr. Chief Justice Fuller.

78. Dever Pickens, Appellant, vs. Susan C. Dent Roy et al. Appeal from the United States Circuit Court of Appeals for the Fourth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel. On consideration whereof, it is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of West Virginia.
Per Mr. Chief Justice Fuller.

64. Helen C. Raub, Charles D. Collins, Lewis E. Collins et al., vs. Helen C. Carpenter, Helen K. Bremmerman, Edmund A. Brown et al., In Error to the Court of Appeals of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the District of Columbia, and was argued by counsel.

ed and adjudged by this Court that the judgment of the said Court of Appeals in this cause be, and the same is hereby, affirmed with costs.

per Mr. Chief Justice Fuller.

297. Andrew J. Aikens, Plff in Error; vs. The State of Wisconsin.

298. Albert Huegin, Plff in Error; vs. The State of Wisconsin.

On consideration of the motions to advance these cases, It is now here ordered by the Court that said motions be, and the same are hereby, denied.

per Mr. Chief Justice Fuller.

382. John A. Humbird et al., Appellants; vs. Waldo A. Avery et al.

On consideration of the motions for leave to The United States to intervene herein, that the whole record and cause be required to be sent up, and that the cause be advanced, It is now here ordered by the Court that said motions be, and the same are hereby, granted, the certified transcript of record presented with the motions to stand as a return to this order; and that this cause be, and the same is hereby, assigned for argument on Monday, October 19th, 1903, after the case heretofore assigned for that day.

per Mr. Chief Justice Fuller.

Isabella F. Blackstone, individually & as Executrix &c., vs. Plff in Error,
1493 Nathan F. Miller, Comptroller &c.

On consideration of the motion to require the Plaintiff in error to give a new bond herein, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

Isabella F. Blackstone, individually & as Executrix &
1493. vs. Plff in Error,
Nathan F. Miller, Comptroller &c.

On consideration of the motion to advance this cause, and of the argument of Counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said motion be, and the same is hereby, granted, and the cause assigned for argument on Monday, January 5th, 1903, after the case heretofore assigned for that day.

Per Mr. Chief Justice Fuller.

James L. Hyatt, Chief of Police of the City of Albany, N.Y.,
1492. vs. Plff in Error,
The People of the State of New York ex rel. Charles E. Corkran.

On consideration of the motion to advance this cause, It is now here ordered by

said motion be, and the same is hereby, granted, and the case assigned for argument on Monday, January 5, 1903, after the cases heretofore assigned for that day.

Per Mr. Chief Justice Fuller.

508. Christopher C. Crabb et al., Petitioners, vs. John Jay Harvey Williams. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

50. Alice R. Moshenvel et al., Plffs in Error, vs. The District of Columbia. On consideration of the petition for a rehearing herein, It is now here ordered by the Court that said petition be, and the same is hereby, granted, the judgment entered herein on November 3, 1902, vacated and set aside, and the cause restored to the docket.

Per Mr. Chief Justice Fuller.

306. Homer Birdsall, Plff in Error, vs. The United States. On motion of Mr. Solicitor General Richards of counsel for the defendant in error, leave is hereby granted the Clerk to issue the mandate in this cause.

108. The Missouri Pacific Railway Company, Appellant, vs. The United States. On motion of Mr. Solicitor General, Richards, of counsel for the appellee, It is ordered by the Court that this cause be, and the same is hereby, passed, subject to the provisions of section 9 of Rule 20.

460. Mark A. Royston, Trustee, et al., Petitioners, vs. Robert Weis.
and
461. Lawrence & Co., et al., Petitioners, vs. Albert Weis. The petitions for writs of certiorari herein were submitted to the consideration of the Court on printed arguments by Mr. Walter Gresham, in support of the same, and Mr. James B. Stubbs, in opposition thereto.

495. American Sweater Co., of N.Y., Petitioner, vs. Henry W. Ballman et al. The petition for a writ of certiorari herein was sub-

sideration of the Court on printed arguments by Mr. Henry C. Willcox, Mr. Eben Richards, and Mr. Jarvis W. Mason, in support of the same, and Mr. Clinton Rowell, in opposition thereto.

501. Lamson Zinc Co., et al., Petitioners, vs. Horace F. Brown et al. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Albert H. Walker, in support of the same, and Mr. P. C. Dyrenforth, in opposition thereto.

Mr. Albert H. Walker also submitted a motion to dispense with certificate to the record of the Circuit Court as printed for use in the Circuit Court of Appeals for the Eighth Circuit.

338. Ernest Wilkinson, Petitioner, vs. William Dunlop Owens, Administrator &c. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Samuel Maddox, in support of the same, and Mr. Clarence R. Wilson, in opposition thereto.

109. The Mutual Life Insurance Co. of New York, Plff in Error, vs. Alphonsine M. Great. On motion of Mr. J. Hubley Ashton, of counsel for the defendant in error, the

Court that this cause be, and the same is hereby passed, subject to the provisions of section 7 of Rule 16.

440. American Colortype Co. vs. The Continental Colortype Co. Appellant, On motion of Mr. Thomas H. Clark, in behalf of Counsel for the appellant, It is ordered by the Court that this cause be, and the same is hereby, advanced pursuant to the 32d Rule.

372. Fanny B. Smith, Auditor &c., vs. The State of Indiana ex rel. Martha Lewis et al. Plff in Error, Mr. Merrill Moores, of Counsel for the plaintiff in error, submitted to the consideration of the Court a motion to advance this cause.

489. The Underground Railroad of the City of New York et al., vs. The City of New York et al. Appellants, Mr. Roger Foster, of Counsel for the appellants, submitted to the consideration of the Court a motion to advance this cause for oral argument.

374. George F. Harding, vs. Appellant. The motion to dismiss in this cause was sub-

ation of the Court on printed arguments by Mr. Frederic Ullman and Mr. D. S. Schuyler, in support of the same, and Mr. A. A. Hoehling, Jr., in opposition thereto.

110. William K. Vanderbilt, Frederick W. Vanderbilt & George W. Vanderbilt, as Trustees &c., et al., Plaintiffs in Error, vs. Bird S. Coler, Comptroller of the City of New York. — In Error to the Surrogate's Court of the County of New York, State of New York.

It appearing to the Court that a stipulation of counsel for the respective parties to dismiss the writ of error in this cause has been filed, Therefore, in pursuance of said stipulation, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is, hereby, dismissed.

per Mr. Chief Justice Fuller.

110. William K. Vanderbilt et al., Plffs in Error, vs. Bird S. Coler, Comptroller &c. — It is ordered by the Court that the Clerk be, and he is hereby, granted leave to issue the mandate in this cause.

257. The Republic of Colombia, Appellant, vs. The Cauca Company et al. — The motion to dismiss in this cause was submitted to

of the Court on the record and printed arguments by Mr. E. J. D. Cross, Mr. John K. Cowen, and Mr. H. L. Bond, Jr. in support of the same, and Mr. William G. Johnson, in opposition thereto.

458. Ferdinand Siegel et al., Appellants, vs. Solomon L. Sturgis, Trustee. The motion to dismiss in this cause was submitted to the consideration of the Court on the record and printed arguments by Mr. David Goldsmith, in support of the same, and Mr. Edward C. Eliot, in opposition thereto.

107. Paul O. Weber, Plff in Error, vs. Charles Rogan, Commr &c. This cause was submitted to the consideration of the Court on the record and printed argument by Mr. F. Charles Harris, of counsel for the plaintiff in error, and Mr. C. K. Bell, of counsel for the defendant in error.

96. The Diamond Match Co., Appellant, vs. The Village of Ontonagon et al. This cause was argued by Mr. Edwin Walker, of counsel for the appellant, and submitted on a printed argument by Mr. T. L. Chadbourne, of counsel for the appellees.

97. The Union Steamboat Co., Petitioner, vs. The Erie & Western Transportation Co., et al.

The argument of this cause was commenced by Mr. C. E. Kremer of counsel for the Petitioner, and continued by Mr. Harvey D. Goulder, of counsel for the Respondents, and Mr. Wilhelmus Mynderse, of counsel for the Intervenors.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan
David J. Brewer
Henry B. Brown
George Shiras Jr.
Edward D. White
Rufus W. Peckham
Joseph McKenna
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Albert J. Beveridge it is ordered that Arthur W. North, Esquire, of Woodland, State of California, and James W. Noel, Esquire, of Indianapolis, State of Indiana, be admitted to practice as attorneys and counsellors of this Court and thereupon were severally accordingly.

On motion first made to the Court in this behalf by Mr. Silas W. Pettit it is ordered that Amos N. Stephens, Esquire, of New York City, and William C. Ryan, Esquire, of Doylestown, State of Pennsylvania, be admitted to practice

they were sworn according[illegible]

113. The San Jose Land & Water Co., Plff in Error, vs. The San Jose Ranch Co. — This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. W. H. Anderson, of counsel for the plaintiff in error, and Mr. John S. Chapman, of counsel for the defendant in error.

97. The Union Steamboat Co., Petitioner, vs. The Erie & Western Transportation Co., et al. — The argument of this cause was concluded by Mr. C. E. Kremer, of counsel for the petitioner.

98. William F. Botsford et al., Appellants, vs. Patrick Shea. — This cause was argued by Mr. Charles H. Van Alstine, of counsel for the appellants, and Mr. John A. Rockmer, of counsel for the appellee.

95. The American Ice Co., et al., Appellants, vs. The Eastern Trust & Banking Co. — This cause was argued by Mr. William G. Johnson, of counsel for the appellants, and Mr. B. F. Leighton, of counsel for the appellee.

101. The Western Union Telegraph Co., vs. The Borough of New Hope (Rule in Error)

The argument of this cause was commenced by Mr. Silas W. Pettit, of counsel for the plaintiff in error.

(Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Wednesday, December 3d, 1902.

Pursuant to adjournment the Court met today at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan
David J. Brewer
Henry B. Brown
George Shiras, Jr.
Edward D. White
Rufus W. Peckham
Joseph McKenna
Associate Justices

John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. J. A. Moon it is ordered that E. W. Ross, Esquire, of Savannah, State of Tennessee, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. J. Darlington it is ordered that Reuben D. Silliman, Esquire, of Honolulu, Territory of Hawaii, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

115. Harriet M. Zane, Petitioner, v. The County of Hamilton, Illinois.

Mr. George A. Sanders, of Counsel for the petitioner, suggested the death of Harriet M. Zane, the petitioner herein, and moved the Court to make Ferdinand F. Favor, Administrator of the estate of said Harriet M. Zane, the party petitioner herein. Whereupon, It is now here ordered by the Court that the said Ferdinand F. Favor, Administrator of the estate of Harriet M. Zane, deceased, be, and he is hereby, made the party petitioner in this cause.

114. The Texas & Pacific Railway Company, Plff in Error, v. George R. L. White.

In Error to the United States Circuit Court of Appeals for the Fifth Circuit.

It appearing to the Court that a motion by counsel for the plaintiff in error to dismiss the writ of error in this cause has been filed. Therefor, in pursuance of said motion, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby dismissed with costs.

Per Mr. Chief Justice Fuller.

101. The Western Union Telegraph Co., Plff in Error
vs.
The Borough of New Hope.

The argument of this cause was continued by Mr. Silas W. Pettit, of counsel for the plaintiff in error, and Mr. William C. Ryan, of counsel for the defendant in error, and concluded by Mr. Silas W. Pettit, of counsel for the plaintiff in error.

102. The Boston & Montana Consolidated Copper and Silver Mining Co., Plff in Error,
vs.
The Montana Ore Purchasing Co. et al.

103. The Boston & Montana Consolidated Copper and Silver Mining Co., Appellant,
vs.
The Montana Ore Purchasing Co., et al.

104. The Boston & Montana Consolidated Copper and Silver Mining Co., Appellant,
vs.
The Nile Gold Mining Co., et al.

These cases were argued by Mr. Louis Marshall, of counsel for the plaintiff in error and appellant, and Mr. John J. McHatton, of counsel for the defendants in error and appellees.

105. Charles F. Gale, Receiver &c., Plff in Error,
vs.
The Chase National Bank.

Mr. E. B. Whitney, of counsel for the plaintiff in error, suggested the resignation of Charles F. Gale and the appointment of George C. Rankin as his successor as Receiver of The Elmira National Bank and moved the Court

the party-plaintiff in error herein. Whereupon it is now here ordered by the Court that the said George C. Rankin, as Receiver of The Elmira National Bank, &c, and he is hereby, made the party-plaintiff in error in this cause.

105. George C. Rankin, Receiver &c., vs. Plaff in Error, The Chase National Bank.

The argument of this cause was commenced by Wm. E. Whitney, of counsel for the plaintiff in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Thursday, December 4th, 1902.

Pursuant to adjournment the Court met to-day at the Capitol.

Present:

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
George Shiras, Jr.,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Associate Justices.

John W. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Charles F. Joy, it is ordered that L. G. Peery, Esquire, of St. Louis, State of Missouri, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Appointment of Reporter.

Order.

Ordered that the letter of resignation of the Reporter of this Court, Mr. J. C. Bancroft Davis, and the response of the Court thereto be entered upon the minutes of the Court, as follows, viz:

Nahant, Mass.

To the Chief Justice and Associate Justices of the Supreme Court.

Gentlemen:

I hereby resign my office as Reporter of this Court to take effect at once. I cannot do this without thanking you for the kindness and consideration which I have received from all.

Very respectfully,
Your obedient servant,
J. C. Bancroft Davis.

Supreme Court of the United States.
October 18, 1902

Dear Sir:

In accepting your resignation as Reporter, we desire to express our appreciation of your long and valuable labors in that capacity, covering a period of nineteen years, and twenty-nine volumes of Reports.

We sever our relations, which have been uniformly intimate and cordial, with sincere regret, and with the earnest hope that you may enjoy for many years the repose you have so well earned.

Very truly yours,
Melville W. Fuller,
John M. Harlan,
David J. Brewer,
Henry B. Brown,

Edward D. White,
R. W. Peckham,
Joseph McKenna.

Hon. J. C. Bancroft Davis.

And it is further ordered that Mr. Charles Henry Butler be, and he is hereby, appointed Reporter of this Court in place of Mr. J. C. Bancroft Davis, resigned, and he is charged with the duty of reporting the decisions of the present term from its commencement.

Per Mr. Chief Justice Fuller.

I, Charles Henry Butler, do solemnly swear that I will faithfully and impartially discharge and perform all the duties of the office of Reporter of the Supreme Court of the United States according to the best of my abilities and understanding, and that I will support the Constitution of the United States. So help me God.

Chas. Henry Butler.

Subscribed and sworn to in open Court this 4th day of December, A.D. 1902.

James H. McKenney
Clerk of the Supreme Court of the United States.

I, Charles Henry Butler, do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith

allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

Chas. Henry Butler.

Subscribed and sworn to before me this fourth day of December, 1902.

James H. McKenney
Clerk of the Supreme Court of the United States.

2. Charles F. Champion, Appellant, vs. John C. Ames, U.S. Marshal. On motion of Mr. William A. Guthrie, of counsel for the appellant, It is ordered by the Court that these cases be, and they are hereby, re-assigned for reargument on Monday, the 15th instant.

50. John Francis et al., Petitioners, vs. The United States.

105. George C. Ramlin, Receiver &c., Plff in Error, vs. The Chase National Bank. The argument of this cause was continued by Mr. E. B. Whitney of counsel for the plaintiff in error, and Mr. Thomas Thacher, of counsel for the defendant in error, and concluded by Mr. E. B. Whitney of counsel for the plaintiff in error.

106. Cornelius K. G. Billings et al., Pltffs in Error, vs. The People of the State of Illinois. This cause was argued by Mr. James F. Meagher, of counsel for the plaintiffs in error, and submitted on a printed argument by Mr. A. J. Hamlin, of counsel for the defendants in error.

111. William Samuel Bigby, Plff in Error, vs. The United States. The argument of this cause was commenced by Mr. Roger Foster, of counsel for the plaintiff in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Friday, December 5th, 1902.

Pursuant to adjournment the Court met to day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan
David J. Brewer
Henry B. Brown
George Shiras, Jr.,
Edward D. White
Rufus W. Peckham
Joseph McKenna
} Associate Justices.

John M. Wright, Esquire, Marshal.,
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. James R. Garfield it is ordered that Richard A. Ballinger, Esquire, of Seattle, State of Washington be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George A. Sinders it is ordered that Edgar A. Bancroft, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf, by Mr. Albert E. Pillsbury it is ordered that Edmund A. Whitman, Esquire, of Boston, State of Massachusetts, be admitted to practice as an attorney and counselor of this Court and he was sworn accordingly.

111. William Samuel Bigby vs. Plff in Error, The United States.

The argument of this cause was continued by Mr. Roger Foster, of counsel for the plaintiff in error, and Mr. Assistant Attorney General Pradt, of counsel for the defendant in error, and concluded by Mr. Roger Foster, of counsel for the plaintiff in error.

115. Ferdinand P. Favor, Administrator &c, vs. Petitioner, The County of Hamilton, Illinois.

This cause was argued by Mr. George A. Sanders, of counsel for the petitioner, and submitted on a printed argument by Mr. J. M. Hamill, of counsel for the respondent.

116. Henry Bigelow Williams et all, Trustees, vs. Plffs in Error, Hosea M. Knowlton, Attorney General &c.

Mr. Edmund A. Whitman, of counsel for the defendant in error, suggested the expira-

office of Hosea M. Knowlton, as Attorney General of Massachusetts, and the election of Herbert Parker as his successor as Attorney General, and moved the Court to make the said Herbert Parker as such Attorney General the party defendant in error herein. Whereupon, It is now here ordered by the Court that the said Herbert Parker, Attorney General of Massachusetts, be, and he is hereby, made the party defendant in error in this cause.

116. Henry Bigelow Williams et al., Trustees, Plffs in Error, v. Herbert Parker, Attorney General &c.

This cause was argued by Mr. Albert E. Pillsbury, of counsel for the plaintiffs in error, and Mr. Edmund A. Whitman, of counsel for the defendant in error.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock

Monday, December 8th, 1902.

Pursuant to adjournment the Court met to-day at the Capitol.

Present.

The Honorable Melville W. Fuller, Chief Justice
John M. Harlan
David J. Brewer
Henry B. Brown
George Shiras, Jr., Associate
Edward D. White Justices.
Rufus W. Peckham
Joseph McKenna,
Oliver Wendell Holmes

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

The Honorable Oliver Wendell Holmes appeared and produced the following Letters Patent and Oaths of Office, which were read in open Court and ordered to be recorded upon the minutes, viz:

Theodore Roosevelt,
President of the United States of America,
To all who shall see these Presents, Greeting:
Know Ye, That reposing special trust and confidence in the Wisdom, Uprightness, and Learning of Oliver Wendell Holmes, of Massachusetts, I have nominated, and by and with the advice and Consent of the Senate, do appoint him Associate Justice of

ize and empower him to execute and fulfil the duties of that Office according to the Constitution and Laws of the said United States and to Have and to Hold the said Office with all the powers, privileges and emoluments to the same of right appertaining unto Him the said Oliver Wendell Holmes, during his good behavior.

In testimony whereof, I have caused these Letters to be made Patent and the seal of the Department of Justice to be hereunto affixed.

(Seal)

Given under my hand at the City of Washington the fourth day of December in the year of our Lord one thousand nine hundred and two and of the Independence of the United States of America the one hundred and twenty-seventh.

Theodore Roosevelt.

By the President:

P. C. Knox,
Attorney General.

I, Oliver Wendell Holmes, do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge, and perform all the duties incumbent on me as Associate

according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States. So help me God.)

Oliver Wendell Holmes.

Subscribed and sworn to
before me this 9th day of
December, A.D. 1902.

James H. McKenney,
(Seal) Clerk of the Supreme Court of the United States.

I, Oliver Wendell Holmes, do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

Oliver Wendell Holmes.

Subscribed and sworn to
before me this eighth day of
December, A.D. 1902.

Melville W. Fuller,
Chief Justice of the United States.

On motion first made to the Court in this behalf by Mr. Curtis H. Lindley it is ordered that Joseph Hutchinson and William J. McGee, Esquires, of

practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alexander Pope Humphrey it is ordered, that Clifton J. Pratt, Esquire, of Madisonville, State of Kentucky, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Holmes Conrad it is ordered that Joseph R. Burton, Esquire, of Abilene, State of Kansas be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. K. Bell it is ordered that Frank C. Jones, Esquire, of Houston, and Mason Williams, Esquire, of San Antonio, State of Texas be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

53. Iowa Life Insurance Co., Plff in Error, vs. Lula T. Lewis. In Error to the Circuit Court of the United States for the Northern District of Texas

This cause came on to be heard on the transcript

States for the Northern District of Texas, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to award a new trial.

Per Mr. Justice McKenna.

48. The Knights Templars and Masons Life Indemnity Company, Petitioners, vs. Rosa B. Jarman. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with costs; And that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the Western District of Missouri.

Per Mr. Justice Brown.

(Mr. Justice Harlan took no part in the decision of this case.)

85. C. Elliott & Co., et al., vs. Appellants, Ferdinand Toepper. On a certificate from the United States Circuit Court of Appeals for the Sixth Circuit.

This cause came on to be heard on a certificate from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel. On consideration whereof, It is the opinion of this Court that the question certified must be answered in the negative. Whereupon, It is now here ordered by this Court that it be so certified to the said United States Circuit Court of Appeals.

Per Mr. Chief Justice Fuller.

Ex parte. In the matter of Thomas E. Kepner, Petitioner. On consideration of the motion for leave to file a petition for a writ of certiorari herein, It is now here ordered by the Court that said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

259. The Republic of Colombia, vs. Appellant, The Cauca Company et al. It is ordered by the Court that the further consideration of the motion to dismiss in this cause be, and the same is hereby, postponed until the hearing of the cause on its merits.

Monday, December 8th, 1902, Orders

372. Harry B. Smith, Auditor &c., v. Jeff in Error, The State of Indiana, ex rel. Martha Lewis et al. } On consider of the motion advance this It is now th ordered by t

that said motion be, and the same is hereb granted, and the cause assigned for argu on Monday, October 19th, 1903, after the ca heretofore assigned for that day.

Per Mr. Chief Justice Ful

489. The Underground Railroad of the City of New York et al., v. Appellants, The City of New York et al. } On consider of the motio advance thi cause for a argument

It is now here ordered by the Court that sa motion be, and the same is hereby, de but leave is hereby granted to submit the on the question of jurisdiction as under 3rd Rule, if counsel shall be so advise

Per Mr. Chief Justice Ful

335. Ernest Wilkinson, Petitioner, vs. William Dudley Owens, Administrator de bonis non of the estate of Thomas Owens, deceased. } On petition for of certiorari to Court of Appeal the District Columbia.

On consideration of the petition for a writ of

District of Columbia, and of the argument of Counsel thereupon had, as well in support of as against the same. It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

460. Mark H. Royston, Trustee, et al., Petitioners, vs. Robert Stein. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of Counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby denied.

Per Mr. Chief Justice Fuller.

461. Lawrence & Co. et al., Petitioners, vs. Albert Stein. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of Counsel thereupon had, as well in support of as against the

that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

American Surety Company of New York, Petitioners, v. Henry W. Bellman and Joseph Danser. } On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

445

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

Lanyon Zinc Co., et al., Petitioners, v. Horace P. Brown et al. } On consideration of the motion to dispense with a certificate to the record of the Circuit Court as printed for use in the Circuit Court of Appeals for the Eighth Circuit, It is now here ordered by the Court that said motion be, and the same is hereby, granted.

501.

Per Mr. Chief Justice Fuller.

Langon Zinc Company et al. Petitioners, vs. Horace P. Dixon et al. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

501.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, it is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

The Citizens' Bank of Louisiana, et al., Plff in Error, vs. Caleb N. Porter, Rec'r &c. — It is ordered by the Court that this cause be, and the same is hereby, restored to the docket for reargument.

11.

Per Mr. Chief Justice Fuller.

The District of Columbia, Appellant, vs. Elias E. Barnes. — Appeal from the Court of Claims.

400.

This cause came on to be heard on the transcript of the record from the Court of Claims, and on a motion to dismiss which was argued by Com-

ordered and adjudged by this Court that this appeal be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

438. Ferdinand Siegel and Joseph Siegel, Composing the firm of F. Siegel & Bro., Appellants, vs. Solomon L. Swarts, Trustee in bankruptcy of Siegel-Hillman Dry Goods Co. } Appeal from the United States Circuit Court of Appeals for the Eighth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and on a motion to dismiss which was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

Order.

There having been an Associate Justice of this Court appointed since the commencement of this term, It is ordered that the following allotment be made of the Chief Justice and Associate Justices of this Court among the Circuits, agreeably to the act of Congress in such case made and provided, and that

It is entered of record viz:
For the First Circuit, Oliver Wendell Holmes, Associate Justice,
For the Second Circuit, Rufus W. Peckham, Associate Justice,
For the Third Circuit, George Shiras, Jr., Associate Justice,
For the Fourth Circuit, Melville W. Fuller, Chief Justice,
For the Fifth Circuit, Edward D. White, Associate Justice,
For the Sixth Circuit, John M. Harlan, Associate Justice,
For the Seventh Circuit, Henry B. Brown, Associate Justice,
For the Eighth Circuit, David J. Brewer, Associate Justice,
For the Ninth Circuit, Joseph McKenna, Associate Justice.
by Mr. Chief Justice Fuller.

The Northern Pacific Railway Co., Appellant, vs. J. A. Soderberg. (C.)

On motion of Mr. Solicitor General, Richards, leave is hereby granted to The United States to intervene herein and be heard by counsel on the reargument of this cause.

Simeon J. Grin, Appellant, vs. John A. Shine, U.S. Marshal. 303.

On motion of Mr. Solicitor General, Richards leave is hereby granted the Clerk to issue the mandate in this cause.

The N. G. Eads Brokerage Co., Petitioner, vs. The City of Fort Scott, Kansas. 470.

The petition for a writ of Certiorari, herein was submitted to the con-

support of the same.)

513. Lena M. Slater et al., Petitioners, vs. Mexican National Railroad Company.

The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. Mason Williams, in support of the same.

11, Original. The United States, Complainant, vs. The State of Michigan.

On motion of Mr. A. M. Oren, of Counsel for the defendant, leave is hereby granted to file the demurrer of the defendant herein.

7. Augustus Burgdorf and George A. Shehan vs. The United States to the use of The Vermont Marble Co.

Mr. J. J. Darlington, of Counsel for the plaintiffs in error, suggested to the Court that George A. Shehan, one of the plaintiffs in error, has been adjudged non compos mentis and that William T. Galliher has been appointed Committee of the person and Trustee of the estate of the said George A. Shehan, and moved the Court to make the said William T. Galliher, as such Committee and Trustee, a party plaintiff in error herein. Whereupon, It is now here ordered by the Court that the said William T. Galliher, as Committee of the person and Trustee of the estate of George A. Shehan, &c.

and he is hereby made a party plaintiff in error in this cause.

176. Walter A. Cunningham et al, Petitioners, vs. Metropolitan Lumber Co. The petition for a writ of certiorari, herein was submitted to the consideration of the Court on printed arguments by Mr. F. O. Clark, in support of the same, and Mr. Dan A. Dall and Mr. B. J. Brown, in opposition thereto.

68. John S. Swann et al, Trustees, Plffs in Error, vs. The State of West Virginia. It is ordered by the Court that leave be, and the same is hereby, granted to withdraw the petitions for rules to show cause on Holmes Conrad in this cause.

68. John S. Swann et al, Trustees, Plffs in Error, vs. The State of West Virginia. This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. George E. Price, of counsel for the plaintiffs in error, and Mr. Murray Briggs, Mr. Wesley Mollohan, and Mr. George W. McClintic, of counsel for the defendant in error, and leave was granted Mr. S. S. Green, of counsel for the plaintiffs in error to file an additional brief,

10. A. W. Corbus, Appt, vs. The Alaska Treadwell Gold Mining Co.
12. Charles Stewart, Appt, vs. The Washington & Alaska S. S. Co.
26. The Pacific Steam Whaling Co., Appt, vs. The United States.
29. The Pacific Coast Steamship Co., Appt, vs. The United States.
30. The Pacific Coast Steamship Co., Appt, vs. The United States.
31. The Pacific Coast Steamship Co., Appt, vs. The United States.

These cases were argued by Mr. S. M. Stockslager, for the appellants, and Mr. Solicitor General Richards, of counsel for the United States.

17, 18, 19, 20, 21 & 22. The Louisville & Jeffersonville Ferry Company, vs. Plff in Error, The Commonwealth of Kentucky.

The reargument of these cases was commenced by Mr. Alexander Pope Humphrey, of counsel for the plaintiff in error, and continued by Mr. D. W. Sanders, of counsel for the defendant in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
David J. Brewer
Henry B. Brown
George Shiras, Jr.,
Edward D. White
Rufus W. Peckham
Joseph McKenna
Oliver Wendell Holmes,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. A. B. Browne it is ordered that William J. Calhoun, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf, by Mr. J. H. Harrington it is ordered that James O. Troup, Esquire, of Bowling Green, State of Ohio, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Thursday, December 4th, 1902, Continued:

On motion first made to the Court in this behalf by Mr. C. K. Bell it is ordered that Thomas H. Ball, Esquire, of Houston, State of Texas, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

17, 18, 19, 20, 21, 22. The Louisville & Jeffersonville Ferry Co., Plff in Error, vs. The Commonwealth of Kentucky.

The reargument of these cases was continued by Mr. D. W. Sanders, of counsel for the defendant in error, and concluded by Mr. Alexander Pope Humphrey, of counsel for the plaintiff in error.

28. W. P. Waggoner, Plff in Error, vs. J. M. Mack.

This cause was argued by Mr. W. W. Flood, of counsel for the plaintiff in error, and Mr. C. K. Bell, of counsel for The State of Texas. No counsel appeared for the defendant in error.

32. The United States, Appt, vs. The California & Oregon Land Co.
33. The California & Oregon Land Co., Appt, vs. The United States.

The reargument of these cases was commenced by Mr. Charles W. Russell, of counsel for The United States.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
David J. Brewer,
Henry B. Brown,
George Shiras, Jr.,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. James M. Beck it is ordered that Howard A. Baldrige, Esquire, of Omaha, State of Nebraska be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Dalzell it is ordered that Uriah P. Rossiter and Milton W. Shreve, Esquires, of Erie, and Arthur L. Bates, Esquire, of Meadville, State of Pennsylvania, be admitted to practice as attorneys and Counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph Simon it is ordered that Robert T. Hall, Esquire, of Portland, State of Oregon, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

216. The United States, Appellant, vs. James A. Rickert, County Treasurer &c.

On motion of Mr. Assistant Attorney General Beck, it is ordered by the Court that this cause be, and the same is hereby, passed, subject to the provisions of section 9 of Rule 16.

32. The United States, Apl't, vs. The California & Oregon Land Co.
33. The California & Oregon Land Co., Apl't, vs. The United States.

The reargument of these cases was continued by Mr. A. B. Browne and Mr. John F. Dillon, of Counsel for the Land Co., and concluded by Mr. Charles W. Russell, of Counsel for the United States.

49 & 58. The Kennedy Mining & Milling Co., vs. Plff in Error, The Argonaut Mining Co.

The reargument of these cases was commenced by Mr John Garber, of Counsel for the plaintiff in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice
David J. Brewer,
Henry B. Brown,
George Shiras, Jr., Associate
Edward D. White, Justices
Rufus W. Peckham
Joseph McKenna
Oliver Wendell Holmes

John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. A. J. Hopkins it is ordered that Albert G. Dollinger, Esquire, of Waterloo, State of Illinois be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Hagerman it is ordered that Charles B. Ames, Esquire, of Oklahoma City, Territory of Oklahoma, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

7. Augustus Burgdorf and William P. Galliher, Committee of the person & Trustee of the estate of George A. Shehan, Plffs in Error, vs. The United States of America, to the use of The Vermont Marble Co. In Error to the Court of Appeals of the District of Columbia.

This cause having been called to the attention of the Court by Mr. Wm. L. Johnson, of counsel for the plaintiffs in error, and he having moved the Court to dismiss the writ of error in this cause. Therefore, in pursuance of said motion, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Fuller.

149 & 58. The Kennedy Mining & Milling Co., Plff in Error, vs. The Argonaut Mining Co.

The reargument of these cases was continued by Mr. John Garber, of counsel for the plaintiff in error, and Mr. Curtis H. Lindley, of counsel for the defendant in error, and concluded by Mr. John Malmesbury Wright, of counsel for the plaintiff in error. Leave was granted counsel to file printed copies of the oral arguments within five days.

41.	Stephen Otis et al., Plffs in Error, vs. E. A. Parker. Plaintiffs in error.	The reargument of this cause was commenced by Mr. John G. Johnson, of counsel for the plaintiffs in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Friday, December 19th, 1902.

Pursuant to adjournment the Court met today at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
David J. Brewer
Henry B. Brown
George Shiras Jr. Associate
Edward D. White Justices.
Rufus W. Peckham
Joseph McKenna
Oliver Wendell Holmes.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. B. S. Rodey it is ordered that Owen N. Marron and Estanislao V. Chaves, Esquires, of Albuquerque, Territory of New Mexico, be admitted to practice as Attorneys and Counsellors of this Court and they were sworn accordingly.

130. Frank Seaman, vs. Berliner Gramaphone Co. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

It appearing to the Court that an authority of Counsel for the petitioner to dismiss the petition

filed, Therefore, in pursuance of said authority, It is now here ordered and adjudged by this Court that the petition for a writ of certiorari herein be, and the same is hereby, dismissed.

Per Mr. Chief Justice Fuller.

41. Stephen Otis et al., vs. Plffs in Error, E. A. Parker. The rearguments of this cause was concluded by Mr. Joseph Hutchinson, of Counsel for the defendant in error.

61. The Northern Pacific Railway Co., vs. Appellant, J. A. Soderberg. This cause was argued by Mr. C. W. Bunn, of Counsel for the appellant, Mr. R. A. Ballinger, of Counsel for the appellee, and Mr. Assistant Attorney General Van Devanter, of Counsel for The United States, and leave was granted Mr. Van Devanter to file a printed brief herein within one week

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday, December 15th. 1902.

Pursuant to adjournment the Court met to-day at the Capitol.

Present.

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan
David J. Brewer
Henry B. Brown
George Shiras, Jr., Associate
Edward D. White Justices.
Rufus W. Peckham
Joseph McKenna
Oliver Wendell Holmes.
John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Thomas A. Ball it is ordered that Wilmer E. Hunt, Esquire, of Houston, State of Texas, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Hagerman it is ordered that Charles B. Stark, Esquire, of St. Louis, State of Missouri, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Moritz Rosenthal it is ordered that Benjamin C. Bachrach, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. A. Hopkins Jr. it is ordered that Arthur M. Edwards, Esquire, of Paldy, [illegible] be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John G. Carlisle it is ordered that Edward D. Blinn, Esquire, of Lincoln, State of Illinois be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thad S. Bright it is ordered that Benjamin N. Cardozo, Esquire, of New York City be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. J. Darlington it is ordered that

Washington, District of Columbia, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James F. Fifts it is ordered that Lorenzo A. Bird, Esquire, of Kansas City, State of Missouri, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Richards it is ordered that J. Kemp Bartlett, Esquire, of Baltimore, State of Maryland, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank W. Clancy it is ordered that Jeremiah Leahy, Esquire, of Raton, Territory of New Mexico, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. D. L. Russell it is ordered that Marion Butler, Esquire, of Raleigh, State of North Carolina, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis W. Cushman it is ordered that George M. Neuhenett, Esquire, of Spokane, State of Washington, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

The Chief Justice announced that the Court would take a recess from Monday, the 22d, instant until Monday, January 5th 1903.

176. Walter A. Cunningham et al, Petitioners, v. Metropolitan Lumber Co. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

470. The N. J. Eads Brokerage Co., Petitioner, v. The City of Fort Scott, Kansas — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Ci...

On consideration of the petition for a writ of certiorari

for the Eighth Circuit and of the argument of Counsel in support of the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

513. Lena M. Slater et al., Petitioners, vs. Mexican National Railroad Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of Counsel in support of the same, It is now here ordered by the Court that said petition be, and the same is hereby, granted.

Per Mr. Chief Justice Fuller.

374. George F. Harding, Appellant, vs. John S. Hart et al. Appeal from the United States Circuit Court of Appeals for the Seventh Circuit.

This Cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and on a motion to dismiss which was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and

the same is hereby, dismissed for the want of jurisdiction.

(Per Mr. Chief Justice Fuller.)

570. Fred C. Kilham, Admr &c., Petitioner, vs. William J. Wilson. The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. R. P. McNeal and Mr. E. P. Wells, in support of the same.

Original. The State of South Dakota, Complainant, vs. The State of North Carolina et al. On motion of Mr. Frederic D. McKenney, in behalf of counsel for the complainant, It is ordered by the Court that the depositions herein be opened and filed.

Original. The State of South Dakota, Complainant, vs. The State of North Carolina et al. Mr. Frederic D. McKenney, in behalf of Counsel, submitted to the consideration of the Court a motion to fix a day for the argument of this cause.

484. Loftus Cuddy et al., Petitioners, vs. Percival W. Clements, Receiver &. The petition for a writ of certiorari herein was sub-

sideration of the Court on printed arguments by Mr. Harvey D. Goulder, Mr. S. H. Holding, and Mr. F. S. Thaxton, in support of the same, and Mr. M. H. Cardozo, Mr. Louis Hitchcock and Mr. Benjamin N. Cardozo, in opposition thereto.

451. William Gray Brooks, Petitioner vs. Charles H. Pratt, Admr., et al.

The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. William Gray Brooks, in support of the same, and Mr. J. L. Thorndike, in opposition thereto.

401. Elias E. Barnes, Appellant vs. The District of Columbia.

Appeal from the Court of Claims.

This cause having been called to the attention of the Court by Mr. John C. Fay, of counsel for the appellant, and he having moved the Court to dismiss this appeal, Therefore, in pursuance of said motion, It is now here ordered and adjudged by this Court that this appeal be, and the same is hereby, dismissed.

per Mr. Chief Justice Fuller.

502. The National Glass Co., et al., Petitioners vs.

The petition for a writ of certiorari

mitted to the consideration of the Court on printed arguments by Mr. William L. Pierce, Mr. John L. Johnson, and Mr. James K. Badewell, in support of the same, and Mr. Francis T. Chambers and Mr. J. Snowden Bell, in opposition thereto.

1491. Robert A. Heselbrough, Plff. in Error, vs. The United States. Mr. N. W. VanDyke, in behalf of counsel, for the plaintiff in error, submitted to the consideration of the Court a motion to advance this cause.

Ex parte In the matter of The Camden Interstate Railway Company, Petitioner. Mr. F. D. Vinson, of counsel for the petitioner, submitted to the consideration of the Court a motion for leave to file a petition for a writ of mandamus herein.

521. Charles L. Rawson et al., Petitioners, vs. Western Sand Blast Co., et al. The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. Otto K. Barnett and Mr. James H. Raymond, in support of the same, with leave to counsel for the respondents to file a brief in opposition thereto within one week.

509. Bankers' Mutual Casualty Company, Petitioner, vs. The Minneapolis, St. Paul, & Sault Ste. Marie Railway Co. — The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. H. F. Dale and Mr. William Conner, in support of the same.

523. The United States Fidelity & Guaranty Company, Petitioner, vs. D. D. Muir, Receiver &c. — The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. J. Kemp Bartlett and Mr. Isidor Rayner, in support of the same.

987. George B. Rommel, William Drury et al., Appellants, vs. The County Court of Barbour County et al. — Appeal from the Circuit Court of the United States for the Northern District of West Virginia.

It appearing to the Court that a stipulation of counsel for the respective parties to dismiss this appeal has been filed, Therefore, in pursuance of said stipulation, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed, Clerk's Costs to be paid by the appellants.

Per Mr. Chief Justice Fuller.

51. Edward A. Markle, Petitioner, vs. Wilbur Larremore, Master.

This cause was submitted to the consideration of the Court, pursuant to the order of November 17th, on the record and printed arguments by Mr. S. Livingston Samuels, of Counsel for the petitioner, and Mr. Nelson S. Spencer, of Counsel for the respondent.

2. Charles F. Champion, Appt, vs. John C. Ames, U.S. Marshal.
80. John Francis et al, Petitioners, vs. The United States.

On motion of Mr. John G. Carlisle, of Counsel, It is ordered by the Court that Counsel on each side be allowed three hours for the reargument of these cases.

The reargument of these cases was commenced by Mr. William D. Guthrie, of Counsel for Champion, and continued by Mr. Miller, Outcalt, of Counsel for Francis et al and Mr. Assistant Attorney General Beck, of Counsel for Ames and The United States.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Tuesday, December 16th, 1902.

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan
David J. Brewer
Henry B. Brown
George Shiras, Jr., Associate
Edward D. White, Justices
Rufus W. Peckham
Joseph McKenna
Oliver Wendell Holmes.
John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. C. H. Platt it is ordered that James Dudley Dewell, Jr., Esquire, of New Haven, State of Connecticut, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. F. Quarles it is ordered that Edmund Harvey Smalley, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard R. McMahon it is ordered that John C. Avery, Esquire, of Pensacola, State of Florida, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

24. The United States, Appellant
vs.
The Officers & Crew of the U.S. Steamer Mangrove.)
The Officers & Men of the U.S. Ship New York & Tug and others,
31. Appellants
vs.
The Officers & Crew of the U.S. Steamer Mangrove.)

On motion of Mr. Assistant Attorney General Hoyt, It is ordered by the Court that these cases be, and they are hereby, assigned for argument on Monday, January 5th next after the cases heretofore assigned for that day.

2. Charles F. Champion, Appt, vs. John C. Ames, U.S. Marshal.
38. John Francis et al, Petitioners, vs. The United States.

The reargument of these cases was continued by Mr. Assistant Attorney General Beck, of Counsel for Ames and The United States and concluded by Mr. John G. Carlisle, of Counsel for Francis et al.

Tuesday, December 16th, 1902, Continued.

119. The Diamond Glue Co., vs. Plff in Error,
The United States Glue Co.

The argument of this cause was commenced by Mr. Edgar A. Bancroft, of Counsel for the plaintiff in error, and continued by Mr. Charles Quarles, of Counsel for the defendant in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present:

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan
David J. Brewer
Henry B. Brown
George Shiras, Jr., Associate
Edward D. White Justices
Rufus W. Peckham
Joseph McKenna
Oliver Wendell Holmes

John N. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened,

On motion first made to the Court in this behalf by Mr. J. C. Needham it is ordered that Lewis L. Smith, Esquire, of Fresno, State of California, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. W. Deweese it is ordered that T. J. Mahoney, Esquire, of Omaha, State of Nebraska, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

119. The Diamond Glue Co., Plff in Error, vs. The United States Glue Co. The argument of this cause was continued by Mr. Charles Quarles and Mr. J. V. Quarles, of counsel for the defendant in error, and concluded by Mr. Edgar A. Bancroft, of counsel for the plaintiff in error.

120. Reuben M. Manley, Executor, Plff in Error, vs. Annie J. Park, Assignee &c. This cause was argued by Mr. L. F. Bird, of counsel for the plaintiff in error, and Mr. J. F. Tufts, of counsel for the defendant in error.

121. The Home Life Insurance Co. of New York, Plff in Error, vs. A. A. Fisher, Executor &c. This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. W. A. Blount, of counsel for the plaintiff in error, and Mr. John C. Avery and Mr. R. K. McMahon, of counsel for the defendant in error.

122. The Carr Manufacturing Co. Plff in Error, vs. The Acme Flexible Clasp Co. This cause was submitted to the consideration of the Court on the record and a printed argument by Mr. A. J. H.

Counsel appeared for the defendant in error.

123. The North American Transportation and Trading Co., Appellant, vs. P. J. King et al.

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Frederick Bruneau and Mr. Daniel Kelleher, of counsel for the appellant, and Mr. Harold Preston, of counsel for the appellees.

124. The Mexican Central Railway Co. Limited, vs. Affirmed. J. W. Eckman, Guardian &c.

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. A. B. Browne, Mr. Max Britton and Mr. Evan Richards, of counsel, for the plaintiff in error, and Mr. Millard Pattison, of counsel for the defendant in error.

125. The Chicago, Burlington & Quincy Railroad Co., vs. Aff'd in Error. Kate G. Wolfe, Admx &c.

This cause was argued by Mr. J. W. Deboest, of counsel for the plaintiff in error, and Mr. P. J. Mahoney, of counsel for the defendant in error.

125. Francis Winslow et al., Substituted Trustees vs. The Baltimore & Ohio Rail-Road Company. vs. Appellants,

The argument of this cause was commenced by Mr. William G. Johnson, of counsel for the appellants.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan
David J. Brewer
Henry B. Brown
George Shiras, Jr. Associate
Edward D. White, Justices
Rufus W. Peckham
Joseph McKenna
Oliver Wendell Holmes.
John M. Wright Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. George E. Hamilton it is ordered that Neal Power, Esquire, of San Francisco, State of California, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. B. Browne it is ordered that William A. Bowden, Esquire, of San Jose, State of California, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

142. The United States, Appellant, vs. Evett D. Nix
145. Evett D. Nix, Appellant vs. The United States

These cases were submitted to the consideration of the Court on the record and a printed argument by Mr. Franklin H. Mackey and Mr. T. B. Crosthwaite, of counsel for Nix, with leave to counsel for The United States and Nix to file additional briefs within fifteen days.

125. Francis Winslow et al., substituted trustees &c., vs. Appellants, The Baltimore & Ohio Railroad Company.

The argument of this cause was continued by Mr. William G. Johnson, of counsel for the appellants, and Mr. M. J. Colbert and Mr. George E. Hamilton, of counsel for the appellee, and concluded by Mr. William G. Johnson, of counsel for the appellants.

131. Felix M. Hanley et al., Commissioners &c., vs. Appellants, The Kansas City Southern Railway Co.

This cause was argued by Mr. Gardiner Lathrop, of counsel for the appellee, and submitted on a printed argument by Mr. Charles E. Warner, of counsel for the appellants.

Proclamation being made the Court is adjourned until

Pursuant to adjournment the Court met, to-day at the Capitol.

Present:

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan,
David J. Brewer,
Henry B. Brown,
George Shiras, Jr., Associate
Edward D. White, Justices
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Willis Van Devanter it is ordered that Arthur B. Pugh, Esquire, of Salem, State of Virginia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Franklin H. Mackey it is ordered that C. C. Calhoun, Esquire, of Lexington, State of Kentucky, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Judson Harmon it is ordered that A. K. Corley, Esquire, of Sutton, State of West Virginia be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

145. Gustavus Leach et al., Plffs in Error, vs. Charles R. Burr, Executor, et al. Mr. William A. Meloy, of counsel for the plaintiffs in error, submitted to the consideration of the Court a motion to make new parties defendants in error herein.

137. Commercial Publishing Co., Plff in Error, vs. Samuel C. Beckwith. This cause was argued by Mr. A. Walker Otis, of counsel for the plaintiff in error, and Mr. Anthony B. Porter, of counsel for the defendant in error.

138. The Pullman Company, Plff in Error, vs. Wirt Adams, State Revenue Agent. This cause was argued by Mr. William Burry, of counsel for the plaintiff in error, and submitted on a printed argument by Mr. Marcellus Green, of counsel for the defendant in error.

135. Calumet Grain & Elevator Co., Appellant,
vs.
The City of Chicago.

136. David Mark Cummings et al., Appellants
vs.
The City of Chicago.

These cases were submitted to the Consideration of the Court on the Records and printed arguments by Mr. Warren B. Wilson and Mr. S. A. Lynde, of counsel for the appellants, with leave to counsel for the appellee to file a brief within five days.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday, December 22d, 1902.

Pursuant to adjournment the Court met to-day at the Capitol.

Present:

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan
David J. Brewer
Henry B. Brown
Edward D. White
Joseph McKenna
Oliver Wendell Holmes.
Associate Justices.

John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. H. L. Jones it is ordered that Clinton Woodbury Howard, Esquire, of Whatcom, State of Washington, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph Pyssowski it is ordered that J. Gorham Pyssowski, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf

Butz and Amos C. Miller, Esquires, of Chicago, State of Illinois, be admitted to practice as Attorneys and Counsellors of this Court and they were sworn accordingly.

70. S. M. Burt and A. K. Burt, Petitioners, vs. The Union Central Life Insurance Company. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the Western District of Texas.

Per Mr. Justice Brewer.

211. Phineas Pim-to-pee and others, Appellants, vs. The United States. Appeal from the Court of Claims.

This cause came on to be heard on the transcript of the record from the Court of Claims, and was

It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause be, and the same is hereby, affirmed.

(Per Mr. Justice Brewer.)

Dissenting:
Mr. Justice White and Mr. Justice McKenna.

69. Whitney Layton, Plff in Error, vs. The State of Missouri. In Error to the Supreme Court of the State of Missouri.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Missouri, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

(Per Mr. Chief Justice Fuller.)

451. William Gray Brooks, Petitioner, vs. Charles H. Pratt, Administrator &c., and Frederick William Gray et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court

ment of counsel thereupon had, as well in support of as against the same, It is now here ordered, by the Court that said petition be, and the same, is hereby, denied.

Per Mr. Chief Justice Fuller.

484. Loftus Cuddy and Martin Mullen, Petitioners, vs. Percival W. Clement, Receiver of The Ogdensburg Transit Co., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

509. Bankers' Mutual Casualty Company, Petitioner, vs. The Minneapolis, St. Paul & Sault Ste. Marie Railway Co.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the,

It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

521. Fred C. Kilham, Administrator of William S. Everitt, deceased, Petitioner, vs. William J. Wilson. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel in support of the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

522. National Glass Company and George Beatty, Petitioners, vs. Bryce Brothers Company, Inc. and Andrew K. Bryce, President. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be

is hereby, denied.

Per Mr. Chief Justice Fuller.

593. The United States Fidelity and Guaranty Company, Petitioner, vs. D. D. Muir, as Receiver of the Merchants' National Bank of Rutland. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel in support of the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

491. Robert A. Shearbrook, Plff in Error, vs. The United States. On consideration of the motion to advance this cause,

It is now here ordered by the Court that said motion be, and the same is hereby, granted, and the case assigned for argument on Monday, October 19th next, after the cases heretofore assigned for that day.

Per Mr. Chief Justice Fuller.

145. Gustavus Leach et al., Plffs in Error, vs. Charles K. Burr, Executor, et al.

On consideration of the motion to make additional parties in this cause, It is now here ordered by the Court that said motion be, and the same is hereby, denied, but briefs may be filed on behalf of any of said parties on or before January 5th next, if they shall be so advised.

Per Mr. Chief Justice Fuller.

Ex parte In the matter of The Camden Interstate Railway Company, Petitioner.

On consideration of the motion for leave to file a petition for a writ of mandamus herein, It is now here ordered by the Court that said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

No. Original. The State of South Dakota, Complainant, vs. The State of North Carolina et al.

On consideration of the motion to fix a day for the hearing of this cause, It is now here ordered by the Court that this cause be, and the same is hereby, assigned for argument on Monday, April 13th next.

Per Mr. Chief Justice Fuller.

45. The United States, Plff in Error, vs. Arthur Lynch et al.
59. The United States, Plff in Error, vs. Charles F. Williams et al.

It is ordered by the Court that these cases be, and they are hereby, restored to the docket for reargument and assigned for Monday, January 5th next, after the cases heretofore assigned for that day.

Per Mr. Chief Justice Fuller.

8. Annie R. Kean et al. vs. Plff in Error, The Calumet Canal & Improvement Company.

It is ordered by the Court that this cause be, and the same is hereby, restored to the docket for reargument, and assigned for Monday, January 5th next, after the cases heretofore assigned for that day.

Per Mr. Chief Justice Fuller.

56. Gertrude A. Hardin et al. vs. Plff in Error, Charles B. Shedd.

It is ordered by the Court that this cause be, and the same is hereby, restored to the docket for reargument, and assigned for Monday, January 5th next, after the cases heretofore assigned for that day.

Per Mr. Chief Justice Fuller.

175. The Chicago, Burlington & Quincy Railroad Company, Plff in Error, vs. Kate G. Wolfe, as Administratrix of the estate of John P. Wolfe, deceased. In Error to the Supreme Court of the State of Nebraska.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Nebraska, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs. Per Mr. Chief Justice Fuller.

529. The City Trust, Safe Deposit & Surety Co. of Philadelphia, Petitioner, vs. The Glencove Granite Co. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Henry M. Hoyt, in support of the same, and Mr. Horace L. Cheyney and Mr. LeRoy S. Gove, in opposition thereto.

185. The Rhode Island Locomotive Works, Petitioner, vs. The Continental Trust Co. The petition for a writ of certiorari herein was submitted to the con-

Court on printed arguments by Mr. John Ford and Mr. Thomas Emery, in support of the same, and Mr. A. H. Joline and Mr. Clarence Brown, in opposition thereto.

517. The Great Southern Fire Proof Hotel Co., Petitioner, vs. Benjamin T. Jones et al

The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. J. E. Sater, in support of the same, and leave was granted counsel for the respondents to file a brief in opposition thereto within ten days.

162. The Annie Wright Seminary, Plff in Err, vs. The City of Tacoma,

This cause was submitted to the consideration of the Court, pursuant to the 20th rule, on the record and printed arguments by Mr. John T. Shafroth, of counsel for the plaintiff in error, and Mr. David A. Gowrie, of counsel for the defendant in error.

440. American Colortype Co., Appellant, vs. Continental Colortype Co.

This cause was submitted to the consideration of the Court on the record & printed arguments by Mr. A. M. Pence, Mr. Otto C. Bluhdorn and Mr. Amos G. Miller, of counsel for the appellant, and Mr. John C. Mathis, of counsel for the appellee.

Monday, January 5th, 1903.

Pursuant to adjournment the Court met to-day at the Capitol.

Present.

The Honorable Melville W. Fuller, Chief Justice
John M. Harlan
David J. Brewer
Henry B. Brown
George Shiras, Jr.
Edward D. White
Rufus W. Peckham
Joseph McKenna
Oliver Wendell Holmes
} Associate Justices

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Richards it is ordered that John S. Partridge and Francis V. Keesling, Esquires, of San Francisco, State of California, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ashley M. Gould it is ordered that Henry Haywood Glassie, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles A. Culberson it is ordered that William J. Mooney, Esquire, of Dallas, State of Texas be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. C. Shelley it is ordered that Ernest E. Blake, Esquire, of El Reno, Territory of Oklahoma, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. F. B. Crosthwaite it is ordered that Houston Whiteside, Esquire, of Hutchinson, State of Kansas, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles C. Cole it is ordered that Vincent A. Shuchy, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles P. Cates, Jr., it is ordered that William A. Anderson, Esquire, of Richmond, State of Virginia, be admitted to practice as

he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. J. Darlington it is ordered that Robert W. Jennings, Esquire, of Juneau, Alaska, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. S. Bryan Jr, it is ordered that Augustine de Russy Sappington and Arthur W. Machen, Jr, Esquires, of Baltimore, State of Maryland, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Chapin Brown it is ordered that John Paul Earnest, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

41. Stephen Otis and Joseph P. Glassman, Copartners under the firmname of Otis & Company, Plffs in Error, vs. E. A. Pinkert. In Error to the Supreme Court of the State of California.

Filing opinion

of the record from the Supreme Court of the State of California, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Holmes.

Dissenting:
Mr. Justice Brewer and
Mr. Justice Peckham.

119. The Diamond Glue Company, Plff in Error, vs. The United States Glue Company. In Error to the Circuit Court of the United States for the Eastern District of Wisconsin.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Wisconsin, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Holmes.

131. Felix M. Hanley, Jeremiah G. Wallace, and Henry W. Webb, Commissioners and Members of the Railroad Commission of Arkansas, Appellants, vs. The Kansas City Southern Railway Company. Appeal from the Circuit Court of the United States for the Eastern District of Arkansas.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Arkansas, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Holmes.

84. E. M. Ayres, Petitioner, vs. John A. Polk for Wife. On consideration of the petition for a writ of certiorari, herein to the United States Circuit Court of Appeals for the Sixth Circuit, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Justice McKenna.

89. E. M. Ayres, Plff in Error, vs. John A. Polsdorfer and Wife, Louisa M. Polsdorfer. In Error to the United States Circuit Court of Appeals for the Sixth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr Justice McKenna.

100. Edward D. Page, (Bankrupt), Appellant, vs. Charles W. Edmunds, Trustee. Appeal from the United States Circuit Court of Appeals for the Third Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Pennsylvania.

72. The Telluride Power Transmission Company et al., vs. Plffs in Error, The Rio Grande Western Railway Company. In Error to the Supreme Court of the State of Utah.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Utah, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Justice McKenna.

275. Lone Wolf, Principal Chief of Kiowas; Ethitie, Principal Chief of Comanches, et al., vs. Appellants, Ethan A. Hitchcock, Secretary of the Interior, et al. Appeal from the Court of Appeals of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the District of Columbia, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Court of Appeals in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice White.

(Mr. Justice Shiras

120. Reuben M. Manley, Executor of the estate of Leroy Manley, decd, vs. Plff in Error, Anna O. Park, Assignee of Richard A. Park, deceased. In Error to the Supreme Court of the State of Kansas

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Kansas, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice White.

36. Clinton E. Worden & Co., vs. Petitioner California Fig Syrup Company. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals and the decree of the Circuit Court of the United States for the Northern District of California be, and the same are hereby, reversed with costs; and that this cause be, and

Court with directions to dismiss the bill of complaint.
(Per Mr. Justice Shiras.
Dissenting: Mr. Justice McKenna.)

63. Edmund N. Chaduriet, Pl'ff in Error, vs. John M. Kelly. In Error to the Supreme Court of the State of Louisiana.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Louisiana, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with Costs.
(Per Mr. Justice Shiras.
Dissenting;
Mr. Justice Harlan and
Mr. Justice White.

318. Robert E. Downs, Petitioner, vs. The United States. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals in this

same is hereby affirmed; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the District of Maryland.

(Per Mr. Justice Brown.)

62. The Mobile Transportation Company, Plff in Error, vs. The City of Mobile. } In Error to the Supreme Court of the State of Alabama.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Alabama, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Brown.

87. Jane Johnson, Plff in Error, vs. The New York Life Insurance Company. } In Error to the Supreme Court of the State of Iowa.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Iowa, and was argued by counsel. On consideration whereof, It is now here ordered and

this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Justice Brown.

Dissenting:
Mr. Justice White and
Mr. Justice McKenna.

79. The Hartford Fire Insurance Company, Petitioner, v. Albert A. Wilson and John B. Lanier, Trustees. On writ of certiorari to the Court of Appeals of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the District of Columbia, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Appeals in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is, hereby, remanded to the said Court of Appeals with directions to set aside its judgment and enter one affirming the judgment of the trial Court.

Per Mr. Justice Brewer.

(Mr. Justice Brown concurs in the result.)

26. The Pacific Steam Whaling Company, Appellant, vs. The United States. Appeal from the District Court of the United States for the District of Alaska

This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of Alaska, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the order of the said District Court in this cause be, and the same is hereby, affirmed.

(Per Mr. Justice Brewer.)

(The Chief Justice took no part in the decision of this case.)

29. The Pacific Coast Steamship Company, Appellant, vs. The United States. Appeal from the District Court of the United States for the District of Alaska

This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of Alaska, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the order of the said District Court in this cause be, and the same is hereby, affirmed.

(Per Mr. Justice Brewer.)

30. The Pacific Coast Steamship Company, Appellant, vs. The United States. Appeal from the District Court of the United States for the District of Alaska.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of Alaska, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the order of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Brewer.

(The Chief Justice took no part in the decision of this case.)

31. The Pacific Coast Steamship Company, Appellant, vs. The United States. Appeal from the District Court of the United States for the District of Alaska.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of Alaska, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the order of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Brewer.

(The Chief Justice took no part in the decision

10. A. N. Corbus, Appellant, vs. The Alaska Treadwell Gold Mining Company. Appeal from the District Court of the United States for the District of Alaska.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of Alaska, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Brewer.

(The Chief Justice took no part in the decision of this cause.)

13. Charles Stewart, Appellant, vs. The Washington & Alaska Steamship Company. Appeal from the District Court of the United States for the District of Alaska.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of Alaska, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Brown.

75. The Oshkosh Water Works Company, vs. Riffin Error, The City of Oshkosh.

In Error to the Supreme Court of the State of Wisconsin.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Wisconsin, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Harlan.

73. The Young Women's Christian Home, Appellant, vs. John L. French, Administrator of Eugene Rhodes, deceased.

74. Barbara Paul and Andrew Wagner, Appellants, vs. John L. French, Administrator of Eugene Rhodes, deceased.

Appeals from the Court of Appeals of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the District of Columbia, on separate appeals, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Court of Appeals in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Harlan.

reversed, costs to be paid out of the assets of the estate of Sophia Rhodes; and that this cause be, and the same is hereby, remanded to the said Court of Appeals with a direction to affirm the decree of the Supreme Court of the District of Columbia.

Per Mr Chief Justice Fuller.

101. The Western Union Telegraph Company, Plff in Error, vs. The Borough of New Hope. In Error to the Superior Court of the State of Pennsylvania.

This cause came on to be heard on the transcript of the record from the Superior Court of the State of Pennsylvania, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Superior Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Fuller.

Dissenting:
Mr. Justice White,
Mr. Justice Peckham and
Mr. Justice McKenna.

192. The Cary Manufacturing Co., Plff in Error, vs. The Acme Flexible Clasp Co. In Error to the United States Circuit Court of Appeals for the Second Circuit.

This cause came on to be heard on the transcript of

Appeals for the Second Circuit, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is, hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

194. The Mexican Central Railway Company, Limited, Plff in Error, vs. J. W. Eedman, Guardian of Alfonso Husselmann. In Error to the Circuit Court of the United States for the Western District of Texas.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western District of Texas, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs, and interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Texas.

Per Mr. Chief Justice Fuller.

273. The United States, Appellant, vs. William T. Sampson, Rear Admiral U.S. Navy, et al. On consideration of the suggestion of the death of William T. Sampson, Rear Admiral U.S. Navy, one of the

Court that Henry C. Taylor, Rear Admiral U.S. Navy, be, and he is hereby, substituted as a party respellee in this cause in place of the said William T. Sampson, deceased.

Per Mr. Chief Justice Fuller.

185. The Rhode Island Locomotive Works, Petitioner vs. The Continental Trust Co. | On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

517. The Great Southern Fire Proof Hotel Company, Petitioner vs. Benjamin F. Jones et al. | On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the

Hereby, granted.

per Mr. Chief Justice Fuller.

729. The City Trust, Safe Deposit & Surety Company of Philadelphia, Petitioner, vs. The Glencove Granite Co.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

per Mr. Chief Justice Fuller.

Mr. Attorney-General Knox addressed the court as follows:

May it please the court:

The bar of this court has requested me to present to you the resolutions recently adopted by it expressing its estimate of the life and character of the late Mr. Justice Gray, and its deep sense of bereavement occasioned by his death.

They are as follows:

"The bar of the Supreme Court of the United States, deploring the recent death of Horace Gray, an associate justice of the court, would put upon record a brief memorial of their esteem and admiration for his judicial achievements, as well as for his qualities as a man. Therefore, be it

"*Resolved*, That we of the bar are met together to pay tribute to the memory of an able lawyer, a scholar versed in the learning of the books, and a judge who never failed to uphold the dignity of his office. He did his work thoroughly and with scrupulous efforts to dispense exact justice.

"*Resolved*, That the labors of Mr. Justice Gray, which have been constant and arduous, are deserving of the country's gratitude. He spared nothing of health or of strength. With patience he explored the sources of the law and gathered from the past much that proved of value in its application to the needs of the present. Of sound judicial instincts, he year by year visibly grew, alike in clearness of vision and in breadth of apprehension, until in these later days his ripened powers declared him to be a fit example of the strong and truly great judge.

"*Resolved*, That we shall ever cherish a remembrance of the manly qualities of our deceased brother. Large of stature, vigorous and firm in demeanor, it needed but a slight acquaintance with the real man to recognize in Mr. Justice Gray a generous, noble spirit, a pure-minded, brave, and Christian gentleman.

"*Resolved*, That the Attorney-General be asked to present these resolutions to the court, with the request that they be entered upon the records, and that the chairman of this meeting be directed to send to the widow and family of the late Mr. Justice Gray a copy of these resolutions as an expression of our sympathy for them in the loss that they have been called upon to sustain."

This just and temperate expression by the bar will be received, I am sure, with sentiments of full approval by the members of the court, to whom the death of Mr. Justice Gray is a personal grief, as well as by the profession and the people, to whom it is a most serious public loss.

The character and work of a judge are an open record to the world. They are impressed on judgments which survive the man, and may be imperishable. A great judge hearing contending arguments and settling their issues with convincing logic erects and leaves behind him a monument standing high in the public view. All men may know him and may estimate and speak of his labors. So men regard John Marshall, almost as if they had seen him and talked with him; and so those who did not have the privilege of intimate acquaintance with the living man might speak of Mr. Justice Gray.

He was born of the New England ancestry which has done so much to strengthen and adorn this nation—strong, self-controlled, intellectual, and aspiring. Such ancestry has produced faithful men, men of action and men of culture. Mr. Justice Gray, true to these inheritances, made early use of his advantages of environment and education. His career from his youth shows the steady advance in capacity of a man formed and trained to be a scholar, a lawyer, and a judge.

From his recognized position as a leader of the bar of his native State, he was advanced to be an associate justice and later to be chief justice of the supreme court of Massachusetts—the court which contributed the illustrious name of Shaw to the roll of distinguished American judges. In that court Mr. Justice Gray delivered many luminous opinions marked by the comprehensiveness, thoroughness, and learning which were characteristic of him, including leading ones on the law of charities, ancient grants and boundaries, contracts *ultra vires*, and the conflict of laws.

No eulogy is needed to bring before this court and bar the recollections of the steadfast labors, profound learning, and ripe ability of intellect by which his judicial service to his country was here rounded out and completed. The opinions which he delivered reflect the robust vigor of his personality—the clearness of mind and firmness of will, the strength and purity of moral purpose, which were part of his nature. His unremitting industry, his high conception of duty, his accumulated erudition, his dignity of diction and of character, combined to make him a great jurist in all branches of the law. This court is required to explore the entire field of jurisprudence. Its jurisdiction is as broad as the range of human controversy, and Mr. Justice Gray has left fitting memorials of his capacity throughout its range—whether he deals with the technicalities of a statute, with constitutional or international law, with equity pleading, with admiralty, with the laws of property or of personal relations.

It is superfluous to comment particularly on his utterances for the court. The profession will not forget them. They will survive the passage of time and remain for the instruction and guidance of ourselves and of posterity.

In presenting these resolutions to your honors, on behalf of the bar I express the consciousness of loss to public life and service which Mr. Justice Gray's private life and character emphasize. The generosity and purity of his nature, the modesty and simple dignity which adorn worth, the courtesy of the gentleman—these qualities also marked his career and endeared him to those who were privileged to know him intimately.

I have the honor to move that the resolutions be entered upon the records of the court.

The Chief Justice responded:

It is difficult to express our sense of the loss the court has sustained in the departure of this eminent judge and dear brother.

The results of the labors of the court are announced from the bench

but the burden of its labors can be known only to those who participate in them. They only can know the value of aid in the discharge and alleviation of that burden. They only can know the closeness of the ties which bind the company of faithful workers together.

Speaking from that standpoint, it may be truthfully said of Mr. Justice Gray as he himself, when chief justice of Massachusetts, said in commemoration of one of his colleagues, that "every year of association with him brought a greater reliance upon his counsel and a closer friendship."

And, portraying on that occasion the lineaments of another, he drew a striking likeness of himself as we knew him in our common consultations. This is the portrait:

"His minute and accurate observation of the facts, his thoughtful comparison of the arguments, his careful weighing and scrutiny of precedents, his nice appreciation of legal distinctions, his grasp of fundamental principles, his strength in presenting his own suggestions, and his candor in considering those of his associates—guided throughout by a love of justice, and tempered by common sense—made his presence a peculiar safeguard. In arriving at results that would affect the rights of his fellow-men no detail was so small as to be neglected, no field of investigation too wide to be explored. Very cautious in forming his conclusions, he was correspondingly tenacious of them when formed. He always wished the opinions of the court to be placed upon such grounds as, not going beyond what the decision of each case required, should afford a firm foothold in determining future controversies."

The description also measurably indicates the character of his judicial utterances.

It was observed of the judgments of Lord Cottenham, that he who read them felt that they "fixed the law on the matter in hand upon a defined basis for future years." The same impression is produced by many of the judgments of Mr. Justice Gray, while other judgments are confined, with keen precision, to the bare disposition of the particular case.

All excellent, his opinions in leading cases—and he made cases leading when he thought the occasion demanded—constitute permanent contributions to jurisprudence and imperishable monuments to his memory. They do not simply lay down rules for guidance. They are treasuries of doctrine and precedent. And in the time to come it will be found:

> "Hither, as to a fountain,
> Other suns repair, and in their urns
> Draw golden light."

Mr. Justice Gray was preceded as the head of the supreme judicial court of Massachusetts by Lemuel Shaw; he was preceded on this bench by Joseph Story and Benjamin Robbins Curtis. Eulogy can rise no higher than the expression of the conviction that he will be ranked with them without appreciable interval.

For nearly forty years he was given grace to execute justice and to maintain truth, with the dignity and power befitting his great office, and he arrived at the resting place with unclouded mind and ready for the change. His lips are dumb, but the devouring Past can not destroy the works which follow him.

The resolutions and accompanying remarks will be entered upon the records of the court.

544. The Baltimore & Ohio Railroad Co., et al., Petitioners, vs. The Wabash Railroad Co.

The petition for a writ of certiorari herein was submitted to the consideration of the Court on

Mr. W. A. A. Miller, Mr. Hugh L. Bond, Jr. and, Mr. J. A. Collins, in support of the same, and Mr. Addison C. Harris and Mr. Wells H. Blodgett, in opposition thereto.

135. Calumet Grain & Elevator Co., Appellant, vs. The City of Chicago. } On motion of Mr. Warren B. Wilson, of counsel for the appellants, leave,

136. David Mark Cummings et al., Appellants, vs. The City of Chicago. } is hereby granted him to file a reply brief in these cases.

531. John Lawrence O'Brien, Appellant, vs. John H. Shine, U.S. Marshal. } Mr. John M. Thurston, of counsel for the appellant, submitted to the consideration of the Court a motion to admit the appellant to bail pending this appeal.

388. Jeremiah F. McCarthy et al., Plffs in Error & Appts, vs. James F. McCarthy. } The motions to dismiss or affirm in these causes were submitted to the consideration of the Court on the record and printed arguments by Mr. C. C. Cole and Mr. Vincent A. Shelby, in support of the same, and leave was granted Mr. Chapin

before Wednesday next.

536. William White Jr., Petitioner, vs. The Peerless Rubber Manufacturing Co. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. George H. Christy, in support of the same, and Mr. Livingston Gifford, in opposition thereto.

156. N. T. Cook, Plff in Error, vs. The State of Tennessee. The motion to dismiss in this cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Charles T. Cates, Jr., in support of the same, and Mr. E. W. Ross, in opposition thereto.

6, Original. The State of Tennessee, Complainant, vs. The State of Virginia. On motion of Mr. Charles T. Cates, Jr., of counsel for the Complainant, it is ordered by the Court that the report of the Commissioners appointed herein on April 30, 1900, to ascertain, retrace, re-mark, and reestablish the boundary line between the States of Tennessee and Virginia with maps and field notes accompanying same be filed, and leave is

said report on or before February 15th next.

252. The United States, Appellant, vs. Arthur B. Barringer. This cause was argued by Mr. Assistant Attorney General Pradt, of counsel for the appellant, and Mr. George A. King, of counsel for the appellee, and leave was granted counsel for the appellant to file a reply brief within five days.

423. Isabella F. Blackstone, individually and as Executrix, vs. Miller in Error, Nathan F. Miller, Comptroller. The argument of this cause was commenced by Mr. Edward W. Sheldon, of counsel for the plaintiff in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Tuesday, January 6th, 1903.

Pursuant to adjournment the Court met today at the Capitol.

Present.

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan
David J. Brewer
Henry B. Brown
George Shiras Jr. Associate
Edward D White Justices
Rufus W. Peckham
Joseph McKenna
Oliver Wendell Holmes

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Richard R. McMahon it is ordered that Benjamin C. Dimison, Esquire, of Pensacola, State of Florida, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John S. Chapman it is ordered that Lynn Helm, Esquire, of Los Angeles, State of California, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

1422. Isabella F. Bladestone individually & as Executrix &c, vs. Error, Nathan F. Miller, Comptroller

The argument of this Cause was continued by Mr. Edward W. Sheldon of Counsel for the plaintiff in error, and Mr. Louis Marshall, of Counsel for the defendant in error, and concluded by Mr. Edward W. Sheldon of Counsel for the plaintiff in error.

1422. James L. Hyatt, Chief of Police of the City of Albany, N.Y. vs. Error, The People of the State of New York ex rel. Charles E. Corkran

The argument of this Cause was commenced by Mr. J. Murray Downs, of Counsel for the plaintiff in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock

Wednesday, January 7th. 1903.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan
David J. Brewer
Henry B. Brown
George Shiras, Jr. } Associate
Edward D. White } Justices
Rufus W. Peckham
Joseph McKenna
Oliver Wendell Holmes.
John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. John S. Little it is ordered that James E. Hogue, Esquire, of Hot Springs, State of Arkansas, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

415. The Wabash Railroad Co., Plff in Error, vs. Charles E. Pearce, } The death of Charles E. Pearce, the defendant in error herein, having been heretofore suggested and an order of publication granted and issued, now, on motion of Mr. W. R. Hough

that William N. Pearce and The Mississippi Valley Trust Company, Executors of Charles E. Pearce deceased, be, and they are hereby, made the parties defendants in error in this cause.

James L. Hyatt, Chief of Police of the City of Albany, N.Y., Plff in Error,
vs.
No. 192. The People of the State of New York ex rel. Charles E. Corkran.

By argument of this cause was continued by Mr. J. Murray Downes, of Counsel for the plaintiff in error and Mr. William S. Bryan Jr. of Counsel for the defendant in error, and concluded by Mr. J. Murray Downes, of Counsel for the plaintiff in error.

The United States, Appellant,
vs.
No. 24. The Officers & Crew of the U.S. Steamer "Mangrove"; The Officers & Enlisted Men of the U.S. Ship "New York" et al., Appellants,
vs.
No. 34. The Officers & Crew of the U.S. Steamer "Mangrove."

On motion of Mr. Assistant Attorney General Hoyt, it is ordered by the Court that Counsel for the appellants be allowed two hours additional, and on motion of Mr. A. A. Herbert of Counsel for the appellees, that the Counsel for the appellees be allowed one hour additional for the argument of this cause.

Wednesday, January 7th, 1903, Continued.

24. The United States, Appellant,
vs.
The Officers & Crew of the U.S. Steamer "Mangrove".

34. The Officers & Enlisted Men of the U.S. Ship "New York", et al., Appellants,
vs.
The Officers & Crew of the U.S. Steamer "Mangrove".

The argument of these cases was commenced by Mr. James H. Hayden, of counsel for the Officers & enlisted men of the "New York", and continued by Mr. William B. King, of counsel for the Officers & enlisted men of the "Indiana" and "Wilmington", and Mr. Assistant Attorney General Hoyt, of counsel for The United States.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Thursday, January 5th, 1903.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer
Henry B. Brown
George Shiras, Jr.,
Edward D. White
Rufus W. Peckham
Joseph McKenna
Oliver Wendell Holmes.
Associate Justices

John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. John Dalzell it is ordered that William N. Dalzell, Esquire, of Pittsburgh, State of Pennsylvania, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Henry Butler it is ordered that Charles F. Brown, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

61. The Northern Pacific Railway Company, Appellant, vs. J. A. Soderberg.

On motion of Mr. Assistant Attorney General Van Devanter leave is hereby granted him to file a supplemental brief herein on behalf of the United States.

24. The United States, Appellant, vs. The Officers & Crew of the U.S. Steamer "Mangrove."

34. The Officers & Enlisted Men of the U.S. Ship "New York", et al., Appellants, vs. The Officers & Crew of the U.S. Steamer "Mangrove."

The argument of these cases was continued by Mr. Assistant Attorney General Hoyt of counsel for the United States, Mr. Benjamin Micou and Mr. A. A. Herbert of counsel for the Officers & Crew of the "Mangrove", and Mr. James K. Hayden of counsel for the Officers & Enlisted Men of the "New York."

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice
John M. Harlan
David J. Brewer
Henry B. Brown
George Shiras, Jr. } Associate
Edward D. White } Justices
Rufus W. Peckham
Joseph McKenna
Oliver Wendell Holmes

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in the matter of Mr. Henry C. Smith it is ordered that Charles E. Townsend, Esquire, of Jackson, State of Michigan, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

24. The United States, Appellant, vs. The Officers & Crew of the U.S. Steamer "Indiana"
34. The Officers & Enlisted Men of the U.S. Ship "New York", et al., Appellants vs. The Officers & Crew of the U.S. Steamer "Marblehead"

The Argument of these cases was continued by Mr. William B. King, of Counsel for the Officers and Men of the "Indiana", and concluded by Mr. Assistant

Attorney General Hoyt, of counsel for the United States.

45. The United States, vs. Plff in Error, Arthur Lynah et al.

54. The United States, vs. Plff in Error, Charles A. Williams et al.

These cases were reargued by Mr. Robert A. Howard, of counsel for the plaintiff in error, Mr. Julian Mitchell, Jr., of counsel for Williams et al., and Mr. J. P. Kennedy Bryan, of counsel for Lynah et al.

8. Annie R. Kean et al. vs. Plffs in Error, The Calumet Canal & Improvement Co. Error.

The reargument of this cause was commenced by Mr. H. P. Fennell, of counsel for the plaintiffs in

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan
David J. Brewer
Henry B. Brown
George Shiras, Jr.
Edward D. White
Rufus W. Peckham
Joseph McKenna
Oliver Wendell Holmes,
Associate Justices

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. George H. Gorman it is ordered that Arthur M. King, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Richards it is ordered that Rossa F. Downing, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. J. McLaurin it is ordered that Monroe McClurg, Esquire, of Jackson, State of Mississippi, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Moses E. Clapp it is ordered that Carl Taylor, Esquire, of St. Paul, State of Minnesota, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

54. E. M. Caldwell, Plff in Error, vs. The State of North Carolina and The City of Greensboro. In Error to the Supreme Court of the State of North Carolina.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of North Carolina, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court to take further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Sh

521. Charles L. Rawson and Samuel Evans, Petitioners, vs. Western Sand Blast Company v. A. L. Brown. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, granted.

Per Mr. Justice Brown.

(The Chief Justice took no part in the decision of this petition.)

156. N. T. Cook, Plff in Error, vs. The State of Tennessee. In Error to the Supreme Court of the State of Tennessee.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Tennessee, and on a motion to dismiss which was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

162. The Annie Wright Seminary, Plff in Error, vs. The City of Tacoma. In Error to the Supreme Court of the State of Washington.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Washington, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

388. Jeremiah F. McCarthy et al., Plffs in Error vs. The Apple, James F. McCarthy. It is ordered by the Court that the further consideration of the motions to dismiss or affirm in this cause be, and the same is hereby, postponed until the hearing of the cause on its merits.

Per Mr. Chief Justice Fuller.

536. William White, Jr., Petitioner vs. The Peerless Rubber Manufacturing Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argu-

for as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

544. The Baltimore & Ohio Railroad Company et al., Petitioners vs. The Wabash Railroad Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

531. John Lawrence O'Brien, Appellant, vs. John H. Shine, U.S. Marshal. It is ordered by the Court that the further consideration of the motion to admit the appellant to bail be, and the same is hereby, postponed until notice of the same is given to the Attorney General.

Per Mr. Chief Justice Fuller.

Standard Sewing Machine Co.
546. vs. Petitioner,
Arthur M. Leslie.

The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. John Dane, Jr. and Mr. Charles S. Holt, in support of the same, and Mr. Charles K. Offield and Mr. C. C. Linthicum, in opposition thereto.

Northern Pacific Railway Company,
466 vs. Petitioner,
Louise A. Adams et al.

The motion that the transcript of record filed with the petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. C. W. Bunn, in support of the same, and Mr. Charles S. Voorhees and Mr. Reese H. Voorhees, in opposition thereto.

Horace M. Dupee,
548. vs. Petitioner
Chicago Horse Shoe Co.

The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. William M. Jones and Mr. James E. Munroe, in support of the same, and Mr. Le Roy D. Thomas, in opposition thereto.

12 Original. The State of Louisiana, Complainant, vs. The State of Mississippi, Defendant.

On motion of Mr. Monroe McClurg, of counsel for the defendant leave is hereby granted to file the demurrer of the defendant to the bill of complaint herein.

12 Original. The State of Louisiana, Complainant, vs. The State of Mississippi, Defendant.

Mr. Monroe McClurg of Counsel for the defendant submitted to the consideration of the Court a motion and stipulation of counsel to fix a day for the hearing of the demurrer herein.

507. Davis & Farnum Manufacturing Co., Appellant, vs. The City of Los Angeles.

This cause was submitted to the consideration of the Court, pursuant to the 20th rule, on the record and printed arguments by Mr. Lynn Helm and Mr. Henry P. Helm, of counsel for the appellant, and Mr. Albert H. Chichester, of Counsel for the appellee.

516. Harry J. Jaquith, Trustee, Appellant, vs. G. Edwin Alden.

This cause was submitted to the consideration of the Court, pursuant to the 20th rule, on the record and printed

for the appellant, and Mr. E. M. Johnson, of Counsel for the appellee.

8. Annie K. Kean et al., Plffs in Error, vs. The Calumet Canal and Improvement Company. The reargument of this cause was continued by Mr. William P. Pinnell, of Counsel for the plaintiffs in error, and Mr. F. S. Winston, of Counsel, for the defendant in error, and concluded by Mr. William P. Pinnell, of Counsel for the plaintiffs in error.

56. Gertrude A. Hardin et al., Plffs in Error, vs. Charles B. Shedd. The reargument of this cause was commenced by Mr. Thomas Dent, of Counsel for the plaintiffs in error, and continued by Mr. Harry S. Mecartney, of Counsel for the defendant in error.

(Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.)

Pursuant to adjournment the Court met today at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
George Shiras, Jr., Associate
Edward D. White, Justices
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes.

John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made, the Court is opened.

On motion first made to the Court in this behalf by Mr. Thomas H. Clark it is ordered that Elias J. Kimberly, Esquire, of Macon, State of Georgia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank W. Clancy it is ordered that William A. A. Llewellyn, Esquire, of Las Cruces, Territory of New Mexico, be admitted to practice as an attorney and counsellor of this Court and he was sworn accord-

56. Gertrude H. Hardin et al., vs. Charles B. Shedd. (Pltffs in Error.)

The reargument of this cause was continued by Mr. Harry S. Mecartney, of counsel for the defendant in error, and concluded by Mr. Thomas Dent, of counsel for the plaintiffs in error.

117. George Bleistein et al., vs. The Donaldson Lithographing Company. (Pltffs in Error.)

The argument of this cause was commenced by Mr. Ansley Wilcox, of counsel for the plaintiffs in error, and continued by Mr. E. W. Kittredge, of counsel for the defendant in error.

(Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present:

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
George Shiras, Jr.,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made, the Court is opened.

On motion first made to the Court in this behalf by Mr. W. L. Jones it is ordered that, Maurice D. Lackey, Esquire, of Seattle, State of Washington, be admitted to practice as an attorney and counsellor of this Court and, he was sworn accordingly.

117. George Bleistein et al. vs. The Donaldson Lithographing Company. In Error

The argument of this cause was continued by Mr. C. W. Kitteridge, of counsel for the defendant in error and concluded by Mr. Arthur

192. James H. Easton, Plff in Error, vs. The State of Texas.

The argument of this cause was commenced by Mr. H. T. Reed, of counsel for the plaintiff in error, and continued by Mr. C. V. Mullan, of counsel for the defendant in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan
David J. Brewer
Henry B. Brown
George Shiras Jr. } Associate
Edward D White } Justices
Rufus W. Peckham
Joseph McKenna
Oliver Wendell Holmes

John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. O. H. Platt it is ordered that William H. McKenney, Esquire, of Hartford, State of Connecticut, be admitted to practice as an attorney, and counsellor of this Court and he was sworn accordingly.

531. John Lawrence O'Brien, Appellant, vs. John A. Shine, U.S. Marshal. On motion of Mr. Matthew G. Reynolds, in behalf of counsel for the appellee leave is hereby granted to file a brief in opposition to the motion of counsel for the appellant

92. James H. Easton
vs. Error
The State of Iowa.

The argument of this cause was continued by Mr. C. W. Mullan, of counsel for the defendant in error, and concluded by Mr. Charles F. Brown, of counsel for the plaintiff in error.

134. The Detroit, Fort Wayne & Belle Isle Railway
vs. Error
Chase S. Osborn, Commissioner of Railroads.

This cause was argued by Mr. John C. Donnelly, of counsel for the plaintiff in error, and Mr. Fred A. Maynard, of counsel for the defendant in error.

104. The Mutual Life Insurance Co. of N.Y.
vs. Error
Alphonsine McGreal.

Plaintiff in error.

The argument of this cause was commenced by Mr. Julien T. Davies, of counsel for the

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present:

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
Henry B. Brown
Edward D. White
Rufus W. Peckham
Joseph McKenna
Oliver Wendell Holmes.
} Associate Justices

John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. George F. Hoar it is ordered that Daniel B. Bond, Esquire, of Boston, State of Massachusetts, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

145. Gustavus Leach et al., Pltffs in Error, v. Charles R. Burr, Executor, et al.

On motion of Mr. George F. Hoar, in behalf of counsel for the plaintiffs in error, it is ordered by the Court that this cause be, and the same is hereby passed subject to the provisions of section 4 of Rule 6.

109. The Mutual Life Insurance Co., of N.Y. vs. Phillips Error, Alphonsine McGrew

The argument of this cause was continued by Mr. J. Hubley Ashton, of counsel for the defendant in error, and concluded by Mr. Frederic D. McKenney, of counsel for the plaintiff in error.

110. Mariano F. Sena, vs. Appellant, The United States

The argument of this cause was commenced by Mr. Frank W. Clancy, of counsel for the appellant, and continued by Mr. Matthew G. Reynolds, of counsel for the appellee.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Pursuant to adjournment the Court met today at the Capitol.

Present:

The Honorable Melville W. Fuller, Chief Justice
David J. Brewer
Henry B. Brown
George Shiras Jr. Associate
Edward D. White, Justices
Rufus W. Peckham
Joseph McKenna
Oliver Wendell Holmes

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. George Turner it is ordered that J. Kennedy Stout, Esquire, of Spokane, State of Washington Frederic Thatcher Harward, Esquire, of Detroit, State of Michigan, and Henry Hoff Hewlett, Esquire, of Willimantic, State of Connecticut, be admitted to practice as attorneys and counsellors of this Court and they were severally sworn accordingly.

On motion first made to the Court in this behalf by Mr. M. J. Colbert it is ordered that John J. Hamilton, Esquire, of Washington, District of Columbia, be admitted to practice

he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles A. Blair it is ordered that Charles B. Cross, Esquire, of Muskegon, and William C. Belden, Esquire, of Grand Rapids, State of Michigan, be admitted to practice as attorneys and Counsellors of this Court and they were sworn accordingly.

440. American Colortype Co., Appellant, v. Continental Colortype Company, William J. Mann, Baxter J. Fierlein et al., Appellees. Appeal from the Circuit Court of the United States for the Northern District of Illinois.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court for further proceedings.

Per Mr. Justice Holmes.

The Diamond Match Co.
v. Appellant
The Village of Ontonagon and George Quelman, Treasurer of said Village.

Appeal from the Circuit Court of the United States for the Western District of Michigan.

46.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western District of Michigan, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby affirmed with costs.

Per Mr. Justice McKenna.

Cornelius K. G. Billings and Alice M. Billings Ruddock,
v. Plffs in Err.
The People of the State of Illinois.

In Error to the Supreme Court of the State of Illinois.

106.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice McKenna.

William E. Hale, as Receiver &c.,
vs. Petitioner,
Edward T. Atkinson et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

77.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the Eastern District of Pennsylvania.

Per Mr. Justice Peckham

Dissenting:
Mr. Justice Brewer.

George H. Earle, Junior, Receiver of The Chestnut Street National Bank,
vs. Plff in Error,
Susan Carson.

In Error to the United States Circuit Court of Appeals for the Third Circuit.

83.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by

ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the Eastern District of Pennsylvania.

Per Mr. Justice White.

23. Annie Andrews, Plff in Error, vs. Kate N. Andrews. In Error to the Supreme Judicial Court of the State of Massachusetts.

This cause came on to be heard on the transcript of the record from the Supreme Judicial Court of the State of Massachusetts, and was argued by Counsel. On Consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Judicial Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice White.

Dissenting:
Mr. Justice Brewer,
Mr. Justice Shiras and
Mr. Justice Peckham.

(Mr. Justice Holmes not having been a member of the Court when this cause was argued took no part in this decision.)

93 John Kelley, Plff in Error, vs. Oliver T. Rhoads. In Error to the Supreme Court of the State of Wyoming.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Wyoming, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Brown.

107. Paul O. Weber, Plff in Error, vs. Charles Rogan, Commissioner of the General Land Office of the State of Texas. In Error to the Supreme Court of the State of Texas.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Texas, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Justice Brown.

142. The United States, Appellant, vs. Evett D. Nix.
195. Evett D. Nix, Appellant, vs. The United States.

It is ordered by the Court that these cases be remanded to the Court of Claims with instructions to revise item 12 of finding 3, by stating how much of the original item of $5,150.50 was allowed and paid by the accounting officers of the Treasury Department as well as the number of miles actually traveled in performing the services stated in said item.

Per Mr. Justice Brown.

433. William E. Hale, Receiver &c, Petitioner, vs. James A. Hilliker. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit and of the argument of counsel thereupon had as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby denied.

Per Mr. Chief Justice Fuller.

1143. Richard A. Burget, Petitioner, vs. Horace R. Robinson. On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

546. Standard Sewing Machine Company, Petitioner, vs. Arthur M. Leslie. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

Horace M. Dupee, Petitioner,
vs.
Chicago Horse Shoe Company.

No. 548. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

Northern Pacific Railway Company, Petitioner,
vs.
Louise K. Adams et al.

No. 549. On consideration of the motion that the transcript of record filed with the petition for a writ of certiorari be taken as a return to the writ, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said motion be, and the same is hereby, granted without prejudice to suggesting a diminution, if counsel shall be so advised.

Per Mr. Chief Justice Fuller.

12, Original. The State of Louisiana, Complainant, vs. The State of Mississippi, On consideration of the motion to fix a day for the hearing of the demurrer herein, It is now here ordered by the Court that said hearing be, and the same is hereby, assigned for Monday, March 2d next, after the cases heretofore assigned for that day.

Per Mr. Chief Justice Fuller.

146. The United States, Plff in Error, vs. The S. P. Shotter Company. In Error to the Circuit Court of the United States for the Southern District of Alabama.

This cause having been called to the attention of the Court by Mr. Solicitor General Richards, of Counsel for the plaintiff in error and he having moved the Court to dismiss the writ of error in this cause. Therefore, in pursuance of said motion, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed.

Per Mr. Chief Justice Fuller.

146. The United States, Plff in Error, vs. The S. P. Shotter Company. On motion of Mr. Solicitor General Richards, of Counsel for the plaintiff in error, leave is hereby granted the Clerk to issue the mandate in this cause.

38. Christian Schwartz et al, Petitioners vs. John S. Duss et al

Mr. Henry M. Hoyt, in behalf of counsel for the petitioners submitted to the consideration of the Court a motion that the clerk's fee for supervising the printing of the record herein be based on the record as printed instead of the record as filed.

549. Washington National Building & Loan Association, Petitioner, vs. Bertha L. Fiske et husband,

The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. M. J. Colbert, Mr. George E. Hamilton, Mr. J. A. Ralston and Mr. T. L. Siddons, in support of the same, and Mr. M. D. Rosenberg, Mr. Alexander Wolf and Mr. D. W. Baker, in opposition thereto.

306. James L. Gates, Plff in Error, vs. Samuel C. Parmly et al, Executors &c

On motion of Mr. Rublee A. Cole, of counsel for the plaintiff in error, leave is hereby granted to counsel to designate the parts of the transcript of record to be printed within fifteen days.

The State of South Dakota, Complainant,
vs. Original.
The State of North Carolina et al

On motion of Mr Frederic D. McKenney, in behalf of Counsel, leave is hereby granted to file a stipulation of Counsel in regard to the printing of the record in this cause, and he submitted to the consideration of the Court a motion for an order to carry out the terms of said stipulation.

Simon Rothschild, for himself and others, Petitioner,
vs. 553.
The Memphis & Charleston Railroad Co, et al.

The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Heber J. May, in support of the same, and Mr. Francis Lynde Stetson and Mr. Frank P. Poston, in opposition thereto.

Edward E. Besselle, Appellant,
vs. 462.
W. B. Conkey Company

Mr. William V. Rooker, of Counsel for the appellant, submitted to the consideration of the Court a motion for an order directing that the entire record be sent up to this Court and a motion to advance this cause for oral argument.

No. Mariano F. Sena, Appellant, vs. The United States

The argument of this cause was continued by Mr. Malhour G. Reynolds, of counsel for the appellee, and concluded by Mr. Frank W. Clancy, of counsel for the appellant.

137. Edward H. Pardee et al., Plffs in Err., vs. A. D. Aldridge, et al, Trustees, et al

The argument of this cause was commenced by Mr. Maxwell Evarts, of counsel for the plaintiffs in error, and continued by Mr. W. J. Mooney, of counsel for the defendants in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Tuesday, January 20, 1903.

Pursuant to adjournment the Court met to-day at the Capitol.

Present:

The Honorable Melville W. Fuller, Chief Justice
David J. Brewer
Henry B. Brown
George Shiras, Jr.,
Edward D. White
Rufus W. Peckham
Oliver Wendell Holmes
} Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. F. E. Fuller it is ordered that John T. Ford, Esquire, of New York City, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. B. Kittredge, it is ordered that Eben W. Martin, Esquire, of Deadwood, State of South Dakota, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William M. Springer it is ordered that Joseph B. Thompson, Esquire, of Paul's Valley, [illegible] be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

Sharp, Esquire, of Purcell, Indian Territory, &c. admitted to practice as attorneys and counselors of this Court and they were sworn accordingly.

137. Edward A. Pardee et al., vs. Plff in Error.
A. D. Aldridge et al., Trustees, et al.

The argument of this cause was continued by Mr. M. J. Moroney, of counsel for the defendants in error, and concluded by Mr. R. S. Lovett, of counsel for the plaintiffs in error and leave was granted counsel for the respective parties to file additional briefs on or before Friday next.

76. Ferdinand N. Shurtleff, vs. Appellant,
The United States.

This cause was argued by Mr. Edwin B. Smith, of counsel for the appellant and Mr. Assistant Attorney General Pradt, of counsel for the appellee.

140 & 265. The Board of Directors of the Chicago Theological Seminary, vs. Plff in Error,
The People of the State of Illinois ex rel. Samuel B. Raymond, County Treasurer &c.

The argument of these cases was commenced by Mr. John J. Herrick, of counsel for the plaintiff in error.

Proclamation being made the Court is adjourned, until

Wednesday, January 21, 1903.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer
Henry B. Brown
George Shiras Jr.
Edward D White
Rufus W. Peckham
Oliver Wendell Holmes.
} Associate Justices

John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened,

On motion first made to the Court in this behalf by Wm Leigh Robinson it is ordered that Daniel Trigg, Esquire, of Abingdon, State of Virginia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

144. The Douglas Company, Appellant, vs. A. F. Stone, late Treasurer &c. On motion of Mr. Leigh Robinson, in behalf of counsel, It is ordered by the Court that this cause be, and the same is hereby, continued until the next term.

The Board of Directors of the Chicago Theological Seminary
vs. Plff in Error
The People of the State of Illinois ex rel. Samuel B. Raymond, County Treasurer &c.
1168 & 1605.

The argument of this cause was concluded by Mr. John J. Herrick, of counsel for the plaintiff in error

and the cases were submitted on a printed argument by Mr. E. W. Sims, Mr. Frank L. Shepard and Mr. William P. Struckmann, of counsel for the defendant in error.

The Ecklington & Soldiers' Home Railway Co., of the D. C.
vs. Plff in Error
Florence M. Devitt,
141.

The argument of this cause was commenced by Mr. John Ridout, of counsel for the plaintiff in error, continued by Mr. A. S. Worthington, of counsel for the defendant in error, and concluded by Mr. W. L. McDermott, of counsel for the plaintiff in error.

August G. Reetz
vs. Plff in Error
The People of the State of Michigan
143.

This cause was argued by Mr. Williams C. Belden, of counsel for the plaintiff in error, and Mr. Charles B. Gross and Mr. Charles A. Blair, of counsel for the defendants in error.

Proclamation being made the Court is adjourned

Thursday, January 22, 1903.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice
John M. Harlan
David J. Brewer
Henry B. Brown
George Shiras, Jr.,
Edward D. White
Rufus W. Peckham
Oliver Wendell Holmes.
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. John Dalzell it is ordered that Thomas George Henderson, Esquire, of Sioux City, State of Iowa, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John F. Dillon it is ordered that Jonathan R. Scott, Esquire, of Los Angeles, State of California, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

154. W. F. Hyman, Appellant, vs. Virgile Herard, Appellee. Appeal from the Supreme Court of the Territory of Oklahoma.

This cause having been called for hearing in its regular order, and it appearing to the Court that the parties have failed to print the transcript of the record, it is, therefore, in pursuance of the tenth rule of this Court, now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Fuller.

148. Kokomo Fence Machine Co., Petitioner, vs. Alva L. Kitselman et al. This cause was argued by Mr. Thomas A. Banning for the petitioner, and Mr. Robert H. Parkinson for the respondents.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Friday, January 23d, 1903.

Pursuant to adjournment the Court met to-day at the Capitol.

Present.

The Honorable Melville W. Fuller, Chief Justice
John M. Harlan,
David J. Brewer,
Henry B. Brown,
George Shiras, Jr.,
Edward D. White,
Rufus W. Peckham,
Oliver Wendell Holmes,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Thomas H. Clark it is ordered that Clarence H. Montgomerie y Agramonte, Esquire, of the City of Mexico, Republic of Mexico, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John F. Lacey it is ordered that George Colvin Kennedy, Esquire, of Waterloo, State of Iowa, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

147. John D. Hooker et al., vs. Plffs in Error, The City of Los Angeles. This cause was argued by Mr. J. S. Chapman, of counsel for the plaintiffs in error, and Mr. John F. Dillon and Mr. J. K. Scott, of counsel for the defendant in error, and leave was granted counsel to file additional briefs within five days.

108. The Missouri Pacific Railway Co., vs. Appellant, The United States. The argument of this cause was commenced by Mr. John F. Dillon, of counsel for the appellant.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday, January 26th, 1903.

Pursuant to adjournment the Court met to-day at the Capitol.

Present.

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan
David J. Brewer
Henry B. Brown
George Shiras, Jr.,
Edward D. White
Rufus W. Peckham
Oliver Wendell Holmes.
} Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. A. B. Kittredge, it is ordered that Edwin A. Winans, Esquire, of Sioux Falls, State of South Dakota, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. H. Doolittle it is ordered that William Wallace White, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by

A. Gibson, Esquire, of Muskogee, Indian Territory, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly

Isabella F. Bluestone, individually, and as Executrix of the last will and testament of Timothy B. Bluestone dec'd. Pltf in Error, v. Nathan L. Miller, Comptroller of the State of New York, and Edward M. Grout, Comptroller of the City of New York. 493. In Error to the Surrogate's Court of New York County State of New York

This cause came on to be heard on the transcript of the record from the Surrogate's Court of New York County, State of New York, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Surrogate's Court in this cause be, and the same is hereby, Affirmed with costs.

Per Mr. Justice Holmes.

Dissenting:
Mr. Justice White

87. Joseph A. Beals, Plff in Error, vs. James J. Cone and Lyman Robinson. In Error to the Supreme Court of the State of Colorado.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Colorado, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

per Mr. Justice Brewer.

88. Andrew W. Smythe, William H. Byrnes, Administrator of the Succession of Edward Conery, deceased, et al., Plffs in Error, vs. The United States. In Error to the United States Circuit Court of Appeals for the Fifth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the Eastern District of Louisiana.

Dissenting: Mr. Justice Peckham, Mr. Justice Shiras

Peter Nelson and Henry Nelson, Plffs in Error,
vs.
The Northern Pacific Railway Company.

In Error to the Supreme Court of the State of Washington

44.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Washington, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, reversed with costs; And that this cause be, and the same is hereby remanded to the said Supreme Court for such further proceedings as may not be inconsistent with the opinion of this Court.

Per Mr. Justice Harlan,

Dissenting:
Mr. Justice Brewer,
Mr. Justice Brown and
Mr. Justice Shiras.

The Chief Justice announced that the Court would take a recess from Monday, February 2d to Monday, February 23d next.

Christian Schwartz et al.,
vs. Petitioners,
John S. Duss et al.

On consideration of the motion that the Clerk be for super-

38.

of the record herein be based on the record as printed instead of the record as filed, It is now here ordered by the Court that said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Fuller.

531. John Lawrence O'Brien, Appellant, vs. John H. Shine, U.S. Marshal &c. On consideration of the motion to admit the appellant to bail pending this appeal, It is now here ordered by the Court that said motion be, and the same is hereby, denied, pursuant to section 1 of the 34th Rule.

Per Mr. Chief Justice Fuller.

549. Washington National Building & Loan Association of Washington D.C., Petitioner, vs. Bertha L. Fiske & husband, On petition for writ of Certiorari to the Court of Appeals of the District of Columbia.

On consideration of the petition for a writ of certiorari herein to the Court of Appeals of the District of Columbia and of the argument of Counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

Simon Rothschild, for himself and others,
552. vs. Petitioner,
The Memphis & Charleston Railroad Company et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

The State of South Dakota,
9, Original. vs. Complainant,
The State of North Carolina et al.

On consideration of the motion that the record herein be printed in pursuance of the stipulation of counsel, It is now here ordered by the Court that said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Fuller.

Edward E. Bessette,
462. vs. Appellant,
W. B. Conkey Company.

On consideration of the motions for an order directing the entire record to be sent up and that the cause be advanced for oral argument, It is now here ordered by the

hereby, denied, but the cause may be advanced and submitted as under the 3rd Rule, if counsel shall be so advised.

Per Mr. Chief Justice Fuller.

68. John S. Swann and S. S. Green, Trustees under the will of T. B. Swann, deceased, Plff's in Error, vs. The State of West Virginia. In Error to the Supreme Court of Appeals of the State of West Virginia.

This cause came on to be heard on the transcript of the record from the Supreme Court of Appeals of the State of West Virginia, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court of Appeals in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Fuller.

47. Mary Phelps Montgomery, Executrix &c., Plff in Error, vs. The City of Portland et al. On motion of Mr. A. B. Browne, in behalf of Counsel, It is ordered by the Court that this cause be, and the same is hereby, passed, subject to the provisions of section 4 of Rule 26.

R. A. Field,
vs. Appellant,
The Barber Asphalt Paving Co.

On motion of Mr. A. B. Browne in behalf of the appellant leave is hereby granted the appellant to enter his appearance herein.

567. S. Chesebrough et al., Petitioners,
vs.
Matthew Bridges.

The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Milton Andros in support of the same, and Mr. A. H. Rieskill in opposition thereto.

The Steamship "Slingsby" &c.,
vs. Petitioner.
Thomas Travers et al.,

The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. J. Parker Kirlin, in support of the same, and Mr. William C. Beecher, in opposition thereto.

The Missouri Pacific Railway Co.,
vs. Appellant,
The United States.

The argument of this cause was continued by Mr. John F. Dillon, of counsel for the appellant, and Mr. W. C. Perry, of counsel for the appellee, and concluded by Mr. John F. Dillon, of counsel for the appellant.

Frank N. Prout, Attorney General &c., Appellant,

vs.

James C. Starr et al.

150.

The argument of this cause was commenced by Mr. Frank N. Prout, of Counsel for the appellant, and continued by Mr. J. M. Woolworth, of Counsel for the appellees.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present:

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
George Shiras, Jr.,
Edward D. White,
Rufus W. Peckham,
Oliver Wendell Holmes,
Associate Justices.

John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Charles Henry Butler it is ordered that Cole Leslie Harwood, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George P. Hoar it is ordered that Vere Goldthwaite, Esquire, of Boston, State of Massachusetts, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry M. Coldfogle it is ordered that William J. Barr, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

157. Louisa V. Kidd, vs. Riffin in Error.

The State of Alabama vs. Louisa V. Kidd, Executrix,

158. vs. Riffin in Error,

The State of Alabama.

These cases were submitted to the consideration of the Court on the motion in case No. 158 and printed arguments by Mr. W. A. Gunter, of counsel for the plaintiff in error, and Mr. Francis G. Caffey, of counsel for the defendant in error.

150. Frank N. Prout, Attorney General vs. Appellant, James C. Starr et al.,

The argument of this cause was continued by Mr. J. M. Woolworth, of counsel for the appellees, and concluded by Mr. Frank N. Prout, of counsel for the appellant.

115 Gustavus Leach et al., vs. Riffs in Error, Charles R. Burr, Executor, et al.

The argument of this cause was commenced by Mr. William A. Meloy, of counsel for the plaintiffs in error, continued by Mr. J. J. Darlington, of counsel for the defendants in error, and concluded by Mr. George F. Hoar, of

Counsel for the plaintiffs in error, and leave was granted Counsel for the defendants in error to file an additional brief within five days.

151. Hannah Schaefer, Plff in Error, vs. Julius Hesling et al

The argument of this cause was commenced by Mr. S. M. Shepley, of Counsel for the Plaintiff in error, and continued by Mr. John C. Chaney, of Counsel for the defendants in error.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Wednesday, January 28th, 1903.

Pursuant to adjournment the Court met today at the Capitol.

Present:

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer
Henry B. Brown
George Shiras, Jr.
Edward D. White
Rufus W. Peckham
Oliver Wendell Holmes.
} Associate Justices

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. A. J. McLaurin it is ordered that Rowland B. Mahany, Esquire, of Buffalo, State of New York, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

571. James Galvin, Petitioner, vs. City of Grand Rapids

The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. T. E. Tarsney in support of the same.

151. Hannah Schaefer, Pff in Error, vs. Julius Keeling et al. The argument of this cause was continued by Mr. John C. Carey, of counsel for the defendants in error, and concluded by Mr. E. W. Dudley, of counsel for the plaintiff in error.

152. Eastern Building & Loan Association of Syracuse N.Y. Pff in Error, vs. Bright Williamson. This cause was argued by Mr. William Hepburn Russell, of counsel for the plaintiff in error, and Mr. H. E. Young, of counsel for the defendant in error, and leave was granted counsel for the plaintiff in error to file an additional brief on or before February 7th next and, to counsel for the defendant in error to file a reply thereto within five days thereafter.

153. Theodore Read Pff in Error, vs. Mississippi, Comdt. This cause was submitted to the consideration of the Court on the record and a printed argument by Mr. William A. Carroll, of counsel for the plaintiff in error. No counsel appeared for the defendant in error.

155. John E. Sexton Pff in Error, vs. The People of the State of California. This cause was argued by Mr. James

for the plaintiff in error, and leave was granted Counsel for the defendants in error to file a printed brief within twenty days and to Counsel for the plaintiff in error to file a reply thereto within five days thereafter.

216. The United States, Appellant, vs. James A. Rickert, County Treasurer &c.

The argument of this cause was commenced by Mr. Assistant Attorney General Van Devanter, of Counsel for the appellant.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable John M. Harlan
David J. Brewer
Henry B. Brown
George Shiras, Jr.,
Edward D. White
Rufus W. Peckham
Oliver Wendell Holmes
} Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. A. B. Kittredge it is ordered that Warren D. Lane, Esquire, of Sisseton, State of South Dakota, be admitted to practice, as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. O. Bacon it is ordered that William A. Fleming, Esquire, of Augusta, State of Georgia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

167. Nashua Savings Bank, Petitioner, vs. Anglo-American Land, Mortgage, & Agency Co., Limited. This cause was submitted to the consideration of the Court on the record, and printed arguments by Mr. John S. H. Frink, of counsel for the petitioner, and Mr. Owen Powell, of counsel for the respondent.

216. The United States, appellant, vs. James A. Rickert, County Treasurer &c. The argument of this cause was continued by Mr. Assistant Attorney General Van Devanter, of counsel for the appellant, and Mr. A. B. Kittredge and Mr. Warren D. Lane, of counsel for the appellee and concluded by Mr. Assistant Attorney General Van Devanter, of counsel for the appellant.

154. The Fourth National Bank of St. Louis et al., appellants, vs. Morton Albaugh, Receiver &c. The argument of this cause was commenced by Mr. J. F. Garver, of counsel for the appellants.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan
David J. Brewer,
Henry B. Brown, Associate
George Shiras, Jr., Justices
Edward D. White,
Rufus W. Peckham
Oliver Wendell Holmes
John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Charles H. Grosvenor it is ordered that A. W. Scott, Jr., Esquire, of San Francisco, State of California, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Silas W. Pettit it is ordered that John L. Kinsey, James Alcorn, and J. W. Cochrane, Esquires, of Philadelphia, State of Pennsylvania, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

159. The Fourth National Bank of St. Louis et al. vs. Motor Albaugh, Receiver &c. Appellants,

The argument of this cause was continued by Mr. T. F. Garver, of counsel for the appellants, and Mr. Joseph R. Webster, of counsel for the appellee, and concluded by Mr. T. F. Garver, of counsel for the appellants.

160. The Northern Pacific Railway Company, vs. Abner Townsend et al. Plff in Error,

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. C. W. Bunn and Mr. James B. Kerr, of counsel for the plaintiff in error, and Mr. Harold Preston, of counsel for the defendants in error.

161. P. H. Kirwan, U.S. Surveyor General, et al., vs. Simon J. Murphy et al., Appellants,

The argument of this cause was commenced by Mr. Assistant Attorney General Van Devanter, of counsel for the appellants, and continued by Mr. M. A. Stanford and Mr. Benton Henchett, of counsel for the appellees.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan
David J. Brewer
Henry B. Brown
George Shiras Jr.
Edward D. White
Rufus W. Peckham
Oliver Wendell Holmes
Associate Justices

John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. P. C. McRea it is ordered that Leslie E. Ross, Esquire, of Lawton, Oklahoma Territory, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. G. Dayton it is ordered that James H. Vandervort, Esquire, of Parkersburg, State of West Virginia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Sulzer it is ordered that Frank Hurd Robinson, Esquire, of Hornellsville, State of New York, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Conrad A. Syme it is ordered that Fred D. Beers, Esquire, of Peru, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. P. F. Kluttz it is ordered that Augustus Hobson Price, Esquire, of Salisbury, State of North Carolina, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. H. Kaylor it is ordered that James Harvey Harrison, Esquire, of Pittsburgh, State of Pennsylvania, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. R. J. Fisher it is ordered that Arthur [illegible]

neticut, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William M. Springer it is ordered that John Alexander McClure, Esquire, of Chickasha, Indian Territory, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

117. George Bleistein, John H. Bridgman, John A. Rudolph et al., Plffs in Error, vs. The Donaldson Lithographing Company. In Error to the United States Circuit Court of Appeals for the Sixth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals and the judgment of the Circuit Court of the United States for the District of Kentucky in this cause be, and the same are hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the

aside the verdict and grant a new trial.

Per Mr. Justice Holmes.

Dissenting:
Mr. Justice Harlan and
Mr. Justice McKenna.

92. James N. Easton, Plff in Error, vs. The State of Iowa. In Error to the Supreme Court of the State of Iowa.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Iowa, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court to take further action not inconsistent with the opinion of this Court.

Per Mr. Justice Shiras.

94. The Connecticut Mutual Life Insurance Company, Petitioner, vs. Sallie E. Hillmon. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit and was argued

by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, reversed with costs; And that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the District of Kansas with instructions to grant a new trial.

Per Mr. Justice Brown.

Dissenting:
Mr. Justice Brewer and
Mr. Justice White.

141. The Lexington & Soldiers Home Railway Co. of D. C., Plff in Error, v. Florence McDevitt. It is ordered by the Court that this cause be, and the same is hereby, restored to the docket and counsel are requested to submit the same on briefs to a full Bench.

Per Mr. Chief Justice Fuller.

57. James Galvin, Petitioner, v. City of Grand Rapids. On petition for writ of Certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel in support of the

said petition be, and the same is hereby, denied.
Per Mr. Chief Justice Fuller.

153. Theodore Read, Plff in Error, vs. Mississippi County. In Error to the Supreme Court of the State of Arkansas.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Arkansas, and was argued by Counsel. On consideration whereof, It is now here ordered, and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, Affirmed with costs.
Per Mr. Chief Justice Fuller.

578. The United States, Appellant, vs. The Spanish Steamer "Piquete Habana" &c. Mr. Solicitor General Richards, of Counsel for the Appellant, submitted to the consideration of the Court a motion to advance these cases.

579. The United States, Appellant, vs. The Spanish Schooner "Lola" &c.

576. The Buffalo Electric Carriage Co., Petitioner, vs. The Electric Storage Battery Co. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by

in support of the same, and Mr. John R. Bennett, in opposition thereto.

557. The Atlantic Trust Co., Petitioner, vs. Edgar O. Chapman, Receiver. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Stanley W. Dexter, Mr. Edward B. Whitney, and Mr. J. J. Scribner, in support of the same, and Mr. Charles N. Fox, in opposition thereto, and leave was granted Mr. Wheeler H. Peckham to file a brief on behalf of interested parties.

593. Frank J. Hearne, Petitioner, vs. German Insurance Co. et al. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. J. H. Hayden and Mr. J. K. McCammon, in support of the same, and Mr. Ernest L. Austin, Mr. J. A. Harrison, and Mr. W. S. Dalzell, in opposition thereto.

17 of October Term 1901. The Carnegie Steel Co. Limited, Petitioner, vs. The Cambria Iron Company. The motion to recall and correct the mandate issued herein was submitted to the consideration of the Court

G. Johnson and Mr. Francis J. Chambers, in support of the same, and Mr. John K. Bennett and Mr. Thomas H. Bakewell, in opposition thereto.

No. 11. The Board of Commissioners of Stanley County et al., vs. W. N. Coler & Company. Petitioners, — Mr. Theodore F. Klutty, in behalf of counsel, submitted to the consideration of the Court a motion to advance this cause.

540. State of Missouri ex rel. William Preston Hill vs. Alexander M. Dockery et al. Plff in Error, — Mr. E. P. Johnson, of counsel for the plaintiff in error, submitted to the consideration of the Court a motion to advance this cause.

518. The Mutual Life Insurance Co. of New York, vs. Eliza Maud Hill et al. Petitioner, — The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Frederic D. McKenney, Mr. Julian T. Davies, Mr. Edward Lyman Short, and Mr. John B. Allen, in support of the same, and Mr. F. Warburton, in opposition thereto.

591. C. M. Patterson, Petitioner, vs. R. M. Wade. The petition for a writ of Certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. John A. Mitchell, in support of the same, and Mr. Joseph Simon, in opposition thereto.

592. Walter N. Dimmick, Petitioner, vs. The United States. The petition for a writ of Certiorari herein was submitted to the consideration of the Court with leave to counsel for the petitioner to file a brief in support of the same within five days and to counsel for the respondent to file a reply thereto within five days thereafter.

Ex parte In the matter of Walter N. Dimmick, Petitioner. Mr. George D. Collins of counsel for the petitioner submitted to the consideration of the Court a motion for leave to file a petition for a writ of habeas corpus herein and leave was granted him to file a brief in support of the same within five days, and to counsel for The United States to file a reply thereto within five days thereafter.

The State of Missouri, Complainant, vs. The State of Illinois et al. Defendants. No. Original. On motion of Mr. William M. Springer, of Counsel for defendants, It is ordered by the Court that the order entered on November 17th, 1902, providing for the taking of testimony in this cause be, and the same is, hereby, modified so as to provide that the taking of testimony on complainant's behalf, shall begin on the 5th day of March, 1903, at such place as Counsel for the Complainant may designate, ten days' notice thereof to be given Counsel for the defendants, and shall be concluded on or before April 30th, 1903; that the taking of testimony on behalf of defendants shall commence on May 1st, 1903, and be concluded on or before July 1st, 1903, ten days' notice of the place where such testimony will be taken being given to Counsel for Complainant; that the testimony in rebuttal shall then be taken, five days' notice of the place being given, and shall be concluded on or before July 15th, 1903; and thereafter defendants may take further testimony to til August 1, 1903, at which time the taking of testimony in the cause shall be closed.

P. A. Kinnan, U.S. Surveyor General, et al., vs. Appellants,
161.
Simon J. Murphy et al.,

The argument of this cause was continued by Mr. Benton Hanchett, of counsel for the appellees, and concluded by Mr. Assistant Attorney General Van Devanter, of counsel for the appellants.

Proclamation being made the Court is adjourned until Monday, February 23d, at twelve o'clock.

Monday, February 23d. 1903.

Pursuant to adjournment the Court met to-day at the Capitol.

Present.

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
George Shiras, Jr., Associate
Edward D. White, Justices.
Rufus W. Peckham
Oliver Wendell Holmes
John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

24. The United States, Appellant,
vs.
The Officers and Crew of the U.S. S. "Mangrove."
The Officers and Enlisted men of the U.S. Ships "New York," "Indiana," and "Wilmington," Appellants,
36. vs.
The Officers and Crew of the U.S. S. "Mangrove."

} Appeals from the District Court of the United States for the Southern District of Florida.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of Florida, on separate appeals, and was argued by counsel. On

adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, Affirmed.

Per Mr. Justice Holmes.

80. John Francis Anthony Hoff and John Edgar, alias Allen Edgar, Petitioners. vs. The United States

On writ of Certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals and the judgment of the District Court of the United States for the Southern District of Ohio in this cause be, and the same are hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court with directions to set aside the verdict and grant a new trial.

Per Mr. Justice Holmes.

Dissenting:
Mr. Justice Harlan.

121. The Home Life Insurance Company of New York, Plff in Error, vs. A. A. Fisher, as Executor of the Estate of Alexander Suter Maclean, deceased. In Error to the Circuit Court of the United States for the Northern District of Florida.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Florida, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs, and interest until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Florida.

Per Mr. Justice Holmes.

158. Louisa V. Kidd, as Executrix of the will of H. B. Tulane, deceased, Plff in Error, vs. The State of Alabama. In Error to the Supreme Court of the State of Alabama.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Alabama, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment

the same is hereby affirmed with costs.
Per Mr. Justice Holmes.

Dissenting:
Mr. Justice Harlan and
Mr. Justice White.

157. Louisa V. Kidd, Plff in Err, vs. The State of Alabama. In Error to the Supreme Court of the State of Alabama.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Alabama, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby affirmed with costs.
Per Mr. Justice Holmes.

Dissenting:
Mr. Justice Harlan and
Mr. Justice White.

159. The Fourth National Bank of St. Louis, First National Bank of New York, and Ford Harvey, Appellants, vs. Morton Albaugh, Receiver of The First National Bank of Emporia, et al. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit.

This cause came on to be heard on the transcript of

Appeals for the Eighth Circuit and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the District of Kansas.

Per Mr. Justice Holmes.

Dissenting:
Mr. Justice Brewer and
Mr. Justice Peckham.

28. W. T. Waggoner, Plff in Error, vs. J. M. Black. In Error to the Court of Civil Appeals for the Second Supreme Judicial District of the State of Texas.

This cause came on to be heard on the transcript of the record from the Court of Civil Appeals for the Second Supreme Judicial District of the State of Texas, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Civil Appeals in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Peckham.

(Mr. Justice Brewer concurred in the result.)

65. Rudolf Helwig, Plff in Error, vs. The United States. On a certificate from the United States Circuit Court of Appeals for the Second Circuit.

This cause came on to be heard on a certificate, from the United States Circuit Court of Appeals, for the Second Circuit and was argued by Counsel. On consideration whereof, It is the opinion of this Court that the question certified, must be answered in the negative. Whereupon, It is now here ordered by this Court that it be so certified to the said United States Circuit Court of Appeals.

Per Mr. Justice Peckham.

81. Harry J. Jaquith, Trustee in bankruptcy of William S. Franklin, Bankrupt, Appellant, vs. Clarence W. Rowley et al. Appeal from the District Court of the United States for the District of Massachusetts.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of Massachusetts, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby affirmed with costs.

Per Mr. Justice Peckham.

95. American Ice Company and William G. Johnson, Assignee, vs. Eastern Trust & Banking Company. Appellants, Appeal from the Court of Appeals of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the District of Columbia, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Court of Appeals in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Peckham.

103. The Boston and Montana Consolidated Copper & Silver Mining Company, Appellant, vs. The Montana Ore Purchasing Company, F. Augustus Heinze and Arthur P. Heinze. Appeal from the Circuit Court of the United States for the District of Montana.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Montana, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs. Per Mr. Justice Peckham.

The Boston and Montana Consolidated Copper & Silver Mining Company, Plff. in Error,
vs.
The Montana Ore Purchasing Company, F. Augustus Heinze, and Arthur P. Heinze.

102. In Error to the Circuit Court of the United States for the District of Montana.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Montana, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Peckham.

The Boston and Montana Consolidated Copper & Silver Mining Company, Appellant,
vs.
The Chief Gold Mining Company, John Mac Ginnies et al.

104. Appeal from the Circuit Court of the United States for the District of Montana.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Montana, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed

Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Peckham.

Francis Winslow, Augustus Jay, and The American Security & Trust Company, substituted trustees under the will of Catherine Pearson, deceased, Appellants, vs. The Baltimore & Ohio Railroad Company. } Appeal from the Court of Appeals of the District of Columbia.

175

This cause came on to be heard on the transcript of the record from the Court of Appeals of the District of Columbia, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Court of Appeals in this cause be, and the same is hereby, reversed with costs; And that this cause be, and the same is hereby remanded to the said Court of Appeals with directions to reverse the decree of the Supreme Court of the District of Columbia and remand the cause to that Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Peckham.

The Board of Directors of the Chicago Theological Seminary, Plff in Error
vs.
The People of the State of Illinois ex rel. Samuel B. Raymond, County Treasurer &c.
In Error to the Supreme Court of the State of Illinois
No. 140.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Peckham.

Dissenting:
Mr. Justice White,
Mr. Justice Brown, and
Mr. Justice Holmes.

The Board of Directors of the Chicago Theological Seminary, Plff in Error,
vs.
The People of the State of Illinois ex rel. Samuel B. Raymond, County Treasurer &c.
In Error to the Supreme Court of the State of Illinois
No. 265.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, and was argued by counsel. On con-

adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Peckham.

Dissenting:
Mr. Justice White,
Mr. Justice Brown and
Mr. Justice Holmes.

177. The Indiana Manufacturing Company, Appellant, vs. Armin C. Kochne, Joseph E. Boswell, Harry B. Smith et al. Appeal from the Circuit Court of the United States for the District of Indiana.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Indiana, and was argued by counsel. On consideration whereof, it is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Peckham.

James L. Hyatt, as Chief of Police of the City of Albany, N.Y., Plff in Error, vs. The People of the State of New York on the relation of Charles E. Corbran — In Error to the Court of Appeals of the State of New York

499.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the State of New York, and was argued by counsel. On consideration whereof, It is now here ordered, and adjudged by this Court that the judgment of the said Court of Appeals in this cause be, and the same is hereby affirmed with costs.

per Mr. Justice Peckham.

Tomas C. Gutierres et al., Appellants, vs. The Albuquerque Land and Irrigation Company — Appeal from the Supreme Court of the Territory of New Mexico

16.

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory of New Mexico, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Supreme Court in this cause be, and the same is hereby affirmed with costs.

per Mr. Justice White.

Dissenting:

132. Commercial Publishing Company, vs. Samuel C. Beckwith. Plff in Error, In Error to the Supreme Court of the State of New York.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of New York and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice White.

252. The United States, vs. Arthur B. Barringer. Appellant, Appeal from the Court of Claims.

This cause came on to be heard on the transcript of the record from the Court of Claims, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Court of Claims with directions to dismiss the claimant's petition.

Per Mr. Justice White.

105. George C. Rankin, as Receiver of The Elmira National Bank, vs. Plff in Error, The Chase National Bank. In Error to the United States Circuit Court of Appeals for the Second Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals in this cause, and the same is hereby, reversed with Costs; And that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the Southern District of New York with directions to set aside the verdict and grant a new trial.

Per Mr. Justice White.

130. Frank N. Prout, Attorney General of the State of Nebraska, vs. Appellant, James C. Starr, Samuel W. Allerton, and The Chicago, Rock Island & Pacific Railway Company. Appeal from the Circuit Court of the United States for the District of Nebraska.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Nebraska, and was ar-

It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Shiras.

(Mr. Justice Harlan concurs in the result.)

61. The Northern Pacific Railway Company, Appellant, vs. J. A. Soderberg. Appeal from the United States Circuit Court of Appeals for the Ninth Circuit

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with costs; And that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the District of Washington.

Per Mr. Justice Brown.

(announced by Mr. Justice Shiras)

Dissenting:
Mr. Justice Brewer and
Mr. Justice Peckham.

51. Edward N. Clarke, Petitioner, vs. Wilbur Larremore, Trustee in bankruptcy of Raymond H. Kenney, bankrupt. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with costs. And that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York.

Per Mr. Justice Brewer.

Dissenting:
Mr. Justice White and
Mr. Justice Peckham.

116. Henry Bigelow Williams and Charles F. Ayer, Trustees, Plffs in Error, vs. Herbert Parker, Attorney General of Massachusetts. In Error to the Supreme Judicial Court of the State of Massachusetts.

This cause came on to be heard on the transcript of the record from the Supreme Judicial Court

by counsel. On consideration whereof, i
Here ordered and adjudged by this Court
the judgment of the said Supreme Cou
this cause be, and the same is hereby, a
with costs.

Per Mr. Justice Brew

143. August G. Reelz, Plff in Error, vs. The People of the State of Michigan. In Error to Supreme C of the State Michigan

This cause came on to be heard on the trans
of the record from the Supreme Court of th
of Michigan, and was argued by coun
On consideration whereof, It is now
ordered and adjudged by this Court that
judgment of the said Supreme Court in
Cause be, and the same is hereby, affir
with costs.

Per Mr. Justice Brew
Mr. Justice Harlan concurred in the r

145. Gustavus Leach, William R. Leach, Chester A. Shaw et al., Plffs in Error, vs. Charles R. Burr, Executor, and Samuel N. Lucas. In Error to Court of A of the Dis of Columb

This cause came on to be heard on the transcr
the record from the Court of Appeals of the Dis

Columbia, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Appeals in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Brewer.

151. Hannah Schaefer, Plff in Error, vs. Julius Herling, Henry Draper, and Martin B. Schaefer. In Error to the Supreme Court of the State of Indiana.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Indiana, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed, with costs.

Per Mr. Justice Brewer.

202. James Tavanes, Will Smith, Amos Clark et al., Plffs in Error, vs. The State of Florida. In Error to the Supreme Court of the State of Florida.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Florida, and was argued by Counsel

and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Brewer.

(Mr. Justice Harlan did not hear the argument and took no part in the decision of this case.)

59.

45. The United States vs. Peliffin Error, Arthur Lynah et al. } In Error to the Circuit Court of the United States for the District of South Carolina.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of South Carolina, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby, affirmed, with interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of South Carolina.

Per Mr. Justice Brewer.

Dissenting:
Mr. Justice White,
Mr. Chief Justice Fuller and
Mr. Justice Harlan.

(Mr. Justice McKenna took no part in the decision of this case.)

17.

The United States, In Error to the Circuit Court
vs. Rff in Error, of the United States for the
Charles A. Williams and District of South Carolina.
Amelia S. Williams.

This cause came on to be heard on the transcript
of the record from the Circuit Court of the United
States for the District of South Carolina, and was
argued by Counsel. On consideration whereof,
it is now here ordered and adjudged by this
Court that the judgment of the said Circuit
Court in this cause be, and the same is hereby
affirmed, with interest, until paid, at the
same rate per annum that similar judg-
ments bear in the Courts of the State of South
Carolina.

Per Mr. Justice Brewer.

Dissenting:
Mr. Justice White,
Mr. Chief Justice Fuller, and
Mr. Justice Harlan.
(Mr. Justice McKenna took no part in the
decision of this case.)

The Louisville & Jeffersonville In Error to the Court
Ferry Company, of Appeals of the
vs. Rff in Error, State of Kentucky.
Commonwealth of Kentucky.

This cause came on to be heard on the transcript

of Kentucky, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Appeals in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Court of Appeals for such further proceedings as may not be inconsistent with the opinion of this Court.

Per Mr. Justice Harlan.

Dissenting:
Mr. Chief Justice Fuller and Mr. Justice Shiras.

19.

The Louisville & Jeffersonville Ferry Company, Plff in Error, vs. The Commonwealth of Kentucky. In Error to the Court of Appeals of the State of Kentucky.

18.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the State of Kentucky, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Appeals in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Court of Appeals for such further proceedings as may not be inconsistent with the opinion of this Court.

20.

Per Mr. Justice Harlan

Dissenting: Mr. Chief Justice Fuller and Mr. Justice Shiras

The Louisville & Jeffersonville Ferry Company, Plff in Error, vs. The Commonwealth of Kentucky. In Error to the Court of Appeals of the State of Kentucky.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the State of Kentucky, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Appeals in this cause be, and the same is hereby, reversed with costs: and that this cause be, and the same is hereby, remanded to the said Court of Appeals for such further proceedings as may not be inconsistent with the opinion of this Court.

Per Mr. Justice Harlan.

Dissenting: Mr. Chief Justice Fuller and Mr. Justice Shiras.

The Louisville & Jeffersonville Ferry Company, Plff in Error, vs. The Commonwealth of Kentucky. In Error to the Court of Appeals of the State of Kentucky.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the State of Kentucky, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Appeals in this cause

and that this cause be, and the same is hereby, remanded to the said Court of Appeals for such further proceedings as may not be inconsistent with the opinion of this Court.

Per Mr. Justice Harlan.

Dissenting: Mr. Chief Justice Fuller and Mr. Justice Shiras.

21. The Louisville & Jeffersonville Ferry Company, Plff in Error, v. The Commonwealth of Kentucky. In Error to the Court of Appeals of the State of Kentucky.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the State of Kentucky, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Appeals in this cause be, and the same is hereby, reversed with costs; And that this cause be, and the same is hereby, remanded to the said Court of Appeals for such further proceedings as may not be inconsistent with the opinion of this Court.

Per Mr. Justice Harlan.

Dissenting: Mr. Chief Justice Fuller and Mr. Justice Shiras.

97. The Louisville & Jeffersonville Ferry Company, Plff in Error, vs. The Commonwealth of Kentucky. In Error to the Court of Appeals of the State of Kentucky.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the State of Kentucky, and was argued by Counsel On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Appeals in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Court of Appeals for such further proceedings as may not be inconsistent with the opinion of this Court.

Dissenting: Mr. Justice Harlan, Mr. Chief Justice Fuller and Mr. Justice Shiras.

216. The United States, Appellant, vs. James A. Rickert, as County Treasurer in and for Roberts County, South Dakota. On a certificate from the United States Circuit Court of Appeals for the Eighth Circuit.

This cause came on to be heard on a certificate from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by

the opinion of this Court that the fourth question certified must be answered in the affirmative, and the first, second, third, and fifth questions in the negative. Whereupon, It is now here ordered by this Court that it be so certified to the said United States Circuit Court of Appeals.

Per Mr. Justice Harlan.

(Mr. Justice Brewer took no part in the decision of this case.)

111. William Samuel Bigby, Plff in Error, vs. The United States. In Error to the Circuit Court of the United States for the Eastern District of New York.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of New York, and was argued by counsel. On consideration whereof It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Harlan.

136. David Mark Cummings and Grace Dunlap Kennedy, Appellants, vs. The City of Chicago. Appeal from the Circuit Court of the United States for the Northern District of Illinois.

This cause came on to be heard on the transcript

States for the Northern District of Illinois and was argued by Counsel. On Consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

per Mr. Justice Harlan

135. Calumet Grain and Elevator Company, Appellant, vs. The City of Chicago. Appeal from the Circuit Court of the United States for the Northern District of Illinois.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois, and was argued by Counsel. On Consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

per Mr. Justice Harlan

2. Charles F. Champion, Appellant, vs. John C. Ames, United States Marshal. Appeal from the Circuit Court of the United States for the Northern District of Illinois

This cause came on to be heard on the transcript of the record from the Circuit Court of the United

was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the order of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

(per Mr. Justice Harlan.)

Dissenting:
Mr. Chief Justice Fuller,
Mr. Justice Brewer,
Mr. Justice Shiras and
Mr. Justice Peckham.)

109. The Mutual Life Insurance Company of New York, Plff in Error, vs. Alphonsine McGrew. In Error to the Supreme Court of the State of California.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of California, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

(per Mr. Chief Justice Fuller.)

Dissenting:
Mr. Justice White.

(Mr. Justice Peckham took no part in the decision of this case.)

John D. Hooker and A. E. Pomeroy, Plffs in Error, vs. The City of Los Angeles. } In Error to the Supreme Court of the State of California.

No. 169.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of California, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same, is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

(Mr. Justice McKenna took no part in the decision of this case.)

The United States, Appellant, vs. George Dewey, Admiral U.S. Navy &c.

No. 309. George Dewey, Admiral U.S. Navy &c., vs. The "Don Juan de Austria", et al.

No. 310. Edwin F. Stovell, on behalf of himself & Officers & Crew of the U.S. Steamship "Nanshan", Appellant, vs. George Dewey, Admiral U.S. Navy &c.

No. 311. } Appeals from the Supreme Court of the District of Columbia.

This cause came on to be heard on the transcript

trict of Columbia, on separate appeals, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Supreme Court in this cause on the intervening libel be, and the same is hereby, affirmed, and that the decree on the libel be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Supreme Court with directions to enter a decree in accordance with the opinion of this Court.

Per Mr. Chief Justice Fuller.

273. The United States, Appellant, vs. Henry C. Taylor, Rear Admiral U.S. Navy et al. Appeal from the Supreme Court of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Supreme Court in this cause be, and the same is hereby, reversed; And that this cause be, and the same is hereby, remanded to the said Supreme Court with a direction to dismiss the libel.

Per Mr. Chief Justice Fuller.

Dissenting: Mr. Justice Brown and Mr. Justice Brewer.

551. C. M. Patterson, Petitioner, vs. R. M. Wade. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

557. The Atlantic Trust Company, Petitioner, vs. Edgar C. Chapman, Receiver of The Woodbridge Canal Irrigation Co., et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

568. Robert B. Thalley, Master & Claimant of the British Steamship "Slingsby", Petitioner, vs. Thomas Travers et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of Counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

576. The Buffalo Electric Carriage Company, Petitioner, vs. The Electric Storage Battery Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of Counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

517. Frank J. Heaney, Petitioner, vs. German Insurance Company of Freeport, Illinois, et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

518. The Mutual Life Insurance Company of New York, Petitioner, vs. Eliza Maud Hill, George E. Hill, Ellen Kellogg Hill et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, granted.

Per Mr. Chief Justice Fuller.

A. Chesebrough et al., owners and Claimants of the Ship "Iroquois", Petitioners,
567. vs.
Matthew Bridges.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit; and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by this Court that said petition be, and the same is hereby, granted.

Per Mr. Chief Justice Fuller.

The Board of Commissioners of Stanley County et al., Petitioners,
264. vs.
W. N. Coler & Company.

On consideration of the motion to advance this cause, It is now here ordered by the Court that said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

State of Missouri ex rel. William Preston Hill, Plff in Error,
540. vs.
Alexander M. Dockery et al.

On consideration of the motion to advance this cause, It is now here ordered by the Court that said motion be, and the same is hereby, granted and the cause assigned for argument [illegible]

October 19th next, after the cases heretofore assigned for that day.

Per Mr. Chief Justice Fuller.

578. The United States, Appellant, vs. The Spanish Smack "Raymundo Habanero" etc.

579. The United States, Appellant, vs. The Spanish Schooner "Lola" etc.

On consideration of the motion to advance these cases, It is now here ordered by the Court that said motion be, and the same is hereby, granted and the cases assigned for argument, as one case, on Monday, March 16th next.

Per Mr Chief Justice Fuller.

580. The United States, Appt, vs. The Fishing Smack "Cristobal Diaz" etc.
581. The United States, Appt, vs. The Fishing Smack "Antonio y Pepe" etc.
582. The United States, Appt, vs. The Fishing Smack "Engracia" etc.
583. The United States, Appt, vs. The Fishing Smack "Seneito" etc.
584. The United States, Appt, vs. The Fishing Smack "Antonio Soares" etc.
585. The United States, Appt, vs. The Fishing Smack "Fernandito" etc.
586. The United States, Appt, vs. The Fishing Smack "Oriente" etc.
587. The United States, Appt, vs. The Fishing Smack "Espana" etc.
588. The United States, Appt, vs. The Fishing Smack "Cristobal Colon" etc.
589. The United States, Appt, vs. The Fishing Smack "Santiago Apostol" etc.

It is ordered by the Court that these cases be, and they are hereby, advanced and assigned for argument, as one case, on Monday, March 16th next, after cases Nos. 578 and 579.

The Carnegie Steel Company, Limited, Petitioner.
17 of Oct. Term 1901. vs.
The Cambria Iron Company.

On consideration of the motion to recall and correct the mandate issued in this cause, and of the argument of counsel thereupon had, as well in support of as against the same

It is now here ordered by the Court that said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan
David J. Brewer
Henry B. Brown, Associate
Edward D. White, Justices.
Rufus W. Peckham
Oliver Wendell Holmes
John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made, the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Richards it is ordered, that Adrian Posey, Esquire, of La Plata, State of Maryland, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John L. Kinsey it is ordered that J. Lee Patton, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Dalzell it is ordered that A. Clay

Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John B. Corliss it is ordered that David E. Heineman, Esquire, of Detroit, State of Michigan be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry M. Hoyt it is ordered that James S. Young, Esquire, of Pittsburgh, State of Pennsylvania, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Willis VanDevanter it is ordered that Edward M. Dawson, Esquire, of Washington, District of Columbia, and Samuel V. Proudfit, Esquire, of Glenwood, State of Iowa, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. J. Hopkins it is ordered that David S. Pierleetel, Esquire, of Chicago, State of Illinois be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Benjamin Mieon it is ordered that, W. A. Townsend, Esquire, of Columbia, and John S. Wilson, Esquire, of Manning, State of South Carolina, be admitted to practice, as attorneys and Counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. G. W. Kretzinger it is ordered that Michael F. Gallagher, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney, and, Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Knute Nelson it is ordered that Henry T. Rowing, Esquire, of Starbuck, State of Minnesota, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Moses E. Clapp it is ordered that Grant Van Sant, Esquire, of St. Paul, and Halvor Steenerson, Esquire, of Crookston, State of Minnesota, be admitted to practice as attorneys, and Counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. M. Newlett it is ordered that Julius L. Mitchell, Esquire, of Charleston, and William J. Whipper, Esquire, of Beaufort, State of South Carolina, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

The following correspondence is spread upon the record by direction of The Chief Justice.

Supreme Court of the United States,
In Chambers.
February 23, 1903.

Dear Brother Shiras:

We cannot refrain from the expression of our sincere regret at your retirement from the bench.

Some of us have been associated with you during the entire period of your service here, but all alike appreciate the single-mindedness with which you have sought to do equal and exact justice, and the great value of your assistance to the Court, and of your contributions to jurisprudence; and all alike feel for you the deepest affection and regard.

We earnestly hope that the personal intercourse with you, we have so much enjoyed, may be continued for many years to come.

Melville W. Fuller,
John M. Harlan,

David J. Brewer,
Henry B. Brown,
E. D. White,
R. W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes

Supreme Court of the United States,
Washington D.C.

My dear Chief and Associate Justices:

I gratefully acknowledge your kind letter of farewell.

I am glad to be thus assured, though indeed I never doubted it, that, whether I fully performed my judicial duties or not, you all felt that I earnestly endeavored to do so.

The ten years and upwards that I have spent on the bench have been very pleasant to me, and I quit the Court and its labors with much regret. I have much enjoyed my personal intercourse with each and all of you, and hope that, in the few years that are left to me, I shall frequently meet you, and hear from you when we are separated.

Sincerely your friend,
George Shiras, Jr.
Feb. 24th, 1903

573. The Eufaula Cotton Oil Company et al., Petitioners vs. The Stillwell & Bierce & Smith-Vaile Company. — The petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit was submitted to the consideration of the Court on printed arguments by Mr. William Edgar Simonds, in support of the same, and Mr. E. E. Wood, in opposition thereto.

608. William J. Stume, Petitioner, vs. The United States. — The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. A. M. Jordan, Mr. J. D. Rouse, and Mr. William Grant, in support of the same, and Mr. Solicitor-General Richards and Mr. William H. Atwell, in opposition thereto.

606. Robert A. Billingslea, Petitioner, vs. Kansas City Southern Railway Co., et al. — The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Presley K. Ewing and Mr. Henry F. Ring, in support of the same, and Mr. Gardner Lathrop, Mr. Thomas R. Morrow, and Mr. Samuel W. Moore, in

577. Philip S. Witherspoon, Petitioner, vs. Frederick P. Olcott. The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. W. O. Davis, in support of the same.

599. William E. Ferguson et al, Petitioners, vs. Enoch Hellieson et al. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. LaRoy S. Gove and Mr. James J. Macklin, in support of the same, and Mr. Wilhelmus Mynderse, in opposition thereto.

603. International Postal Supply Company of New York, vs. Dwight H. Bruce. Mr. James M. Beck, in behalf of counsel, submitted to the Consideration of the Court a motion to advance this cause.

10, original. The State of Washington, Complainant, vs. Northern Securities Co., et al. On motion of Mr. F. H. Cushman, in behalf of counsel for the complainant, leave is hereby granted to file the replications of the complainant to the answers of the defendants herein.

402. Amada C. de Baca et al., Administrators &c., vs. Appellants, The United States et al.; This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. A. C. Burnett, of counsel for the appellants, and Mr. Assistant Attorney General Thompson, of counsel for the appellees.

403. Jackson N. Giles, vs. Appellant, E. Jeff Harris et al., This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Wilford A. Smith, of counsel for the appellant, and Mr. H. A. Gunter, of counsel for the appellees.

512. Joseph A. Ching, vs. Petitioner, The United States. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Adrian Posey, in support of the same, and Mr. Solicitor General Richards, in opposition thereto.

243. Oliver Ames, Samuel Carr & Oliver W. Mink, Trustees, et al., vs. Plffs in Error, The Board of Street Commissioners of the City of Boston. In Error to the Supreme Judicial Court of the State of Massachusetts.

for the respective parties to dismiss the writ of error in this cause has been filed, Therefore, in pursuance of said stipulation, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed.

Per Mr. Chief Justice Fuller.

168. Thomas H. Potter, Appellant, vs. Mary Hall. This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. J. M. Shartel and Mr. J. H. Everest, of Counsel for the appellant, and Mr. Charles P. Lincoln, of Counsel for the appellee.

169. Fred T. Hegeman et al., Plffs in Error, vs. John H. Springer, Receiver &c. This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Edward Jacobs, of Counsel for the plaintiffs in error, and Mr. Chauncey S. Truax, of Counsel for the defendant in error.

163. Atlantic & Pacific Telegraph Company, Plff in Error, vs. City of Philadelphia. The argument of this cause was commenced by Mr. John F. Dillon,

by Mr. John L. Kinsey, of counsel for the defendants in error, and concluded by Mr. H. B. Gill, of counsel for the plaintiff in error.

165. The National Bank and Loan Company of Watertown, N.Y., vs. Aff in Error, Lillian Traver Carr.

166. The National Bank and Loan Company of Watertown, N.Y., vs. Aff in Error, Moses Petrie.

These cases were argued by Mr. Elon R. Brown, of counsel for the defendants in error, and submitted on printed arguments by Mr. Henry Purcell and Mr. John Lansing, of counsel for the plaintiff in error.

170. Manuel S. DeCambra, vs. Aff in Error, Hannah Rogers et al.,

This cause was argued by Mr. Franklin A. Mackey, of counsel for the defendants in error, and submitted on a printed argument by Mr. J. C. Bates, of counsel for the plaintiff in error.

171. Kaoru Yamataya, vs. Appellant, Thomas M. Fisher, Immigrant & Chinese Inspector.

This cause was argued by Mr. Vere Goldthwaite, of counsel for the appellant, and Mr. Assistant Attorney General Hoyt, of counsel for the appellee.

Proclamation being made, the Court is adjourned

Wednesday, February 25th 1903

Pursuant to adjournment the Court met to-day at the Capitol.

Present.

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan
David J. Brewer
Henry B. Brown
Edward D. White
Rufus W. Peckham
Oliver Wendell Holmes
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Frederic D. McKenney it is ordered that Horatio E. Bellows, Esquire, of Providence, State of Rhode Island, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Turner it is ordered that Orville E. Pratt, Esquire, of San Francisco, State of California, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

617. Paul Capdeville, Mayor &c., et al., Petitioners, vs. D. M. Kilpatrick et al., Executors &c. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Frank B. Thomas, in support of the same, and Mr. J. D. Rouse, Mr. William Grant, and Mr. N. M. Jordan, in opposition thereto.

613. The Steamship "Eagle Point" &c., Petitioner, vs. The Liverpool, Brazil & River Plate Steam Navigation Co. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Wilkinson Mynderse, in support of the same, and Mr. Harrington Putnam and Mr. C. C. Burlingham, in opposition thereto.

172. John Brownfield, Plff in Error vs. The State of South Carolina. The argument of this cause was commenced by Mr. J. L. Mitchell, of counsel for the plaintiff in error, continued by Mr. John S. Wilson and Mr. W. H. Townsend, of counsel for the defendant in error, and concluded by Mr. H. J. Whipper, of counsel for the plaintiff in error.

173. George A. Foster, Sheriff, et al, Appellants vs. S. P. Pryor et al, This cause was argued by Mr. Horace Speed, of Counsel for the appellants, and submitted on a printed argument by Mr. Henry E. Asp, of Counsel for the appellees.

174. Clinton B. Wiser et al, Appellants, vs. John Lawler et al, The argument of this Cause was commenced by Mr. Michael F. Gallagher, of Counsel for the appellants, and continued by Mr. William C. Scarritt, of Counsel for the appellees.

Proclamation being made, the Court is adjourned until tomorrow at twelve o'clock.

Thursday, February 16th, 1903.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorables Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer
Henry B. Brown
Edward D. White
Rufus W. Peckham
Oliver Wendell Holmes.
} Associate Justices.

John M. Wright, Esquire, Marshal
James H. McKenney, Clerk

Proclamation being made, the Court is opened.

On motion first made to the Court in this behalf by Mr. R. C. Dale it is ordered that N. Dubois Miller, 3rd and Henry Wiener, Esquires, of Philadelphia, State of Pennsylvania, be admitted to practice as an attorney and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph W. Bailey it is ordered that A. W. Atkinson, Esquire, of Waco, State of Texas, be admitted to practice as an attorney and counseller of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. R. Heaton it is ordered that Thomas S.

be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Alden Smith, it is ordered that Elmer E. Stanton, Esquire, of Grand Rapids, State of Michigan, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John S. Little it is ordered that Charles C. Reid, Esquire, of Morrillton, State of Arkansas, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. H. B. Childers it is ordered that J. E. Wharton, Esquire, of White Oaks, Territory of New Mexico, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

178. George A. Higgins, Receiver of The Keystone National Bank of Erie, Pennsylvania, Plff in Error, vs. The Fidelity Insurance, Trust & Safe Deposit Co.

Mr. Asa H. Wales of Counsel for the Plaintiff in error, suggested the resignation of George A. Higgins

The Keystone National Bank of Erie, Pa., and the appointment of George C. Rankin as his successor as such Receiver, and moved the Court to make the said George C. Rankin, as such Receiver, the party plaintiff in error in this cause. Whereupon, It is now here ordered by the Court that the said George C. Rankin, Receiver of The Keystone National Bank of Erie, Pennsylvania, be, and he is hereby made the party plaintiff in error in this cause.

174. Clinton D. Wiser et al, vs. John Lawler et al, Appellants, The argument of this cause was continued by Mr. William C. Sprague and Mr. H. C. McDougal, of counsel for the appellees, and concluded by Mr. G. H. Kretzinger, of counsel for the appellants. Leave was granted counsel for the appellants to file a reply brief on or before March 2d next.

175. Henry H. Bookfinger, vs. John H. Foster et al, Appellant, This cause was argued by Mr. J. R. Keaton, of counsel, for the appellant, and Mr. Horace Speed and Mr. M. C. Burch, of counsel for the appellees.

178. George C. Rankin, Receiver &c. vs. The Fidelity Insurance Trust & Safe Deposit Co., Plff in Error, The argument of this cause was commenced by Mr. Asa H. Hatch,

of Counsel for the plaintiff in error.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Friday, February 27th, 1903.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Oliver Wendell Holmes,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Frederic D. McKenney it is ordered that William F. Woerner, Esquire, of St. Louis, State of Missouri, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis Rawle it is ordered that Joseph L. Levy, Esquire, of New York City, State of New York, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf

Rennie, Esquire, of Pauls Valley, Indian Territory, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. K. Redington it is ordered that Frederick W. Reed, Esquire, of Minneapolis, State of Minnesota, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

178. George C. Rankin, Receiver &c., vs. Plff in Error, The Fidelity Insurance, Trust & Safe Deposit Company.

The argument of this cause was continued by Mr. Asa W. Staters, of counsel for the plaintiff in error, and concluded by Mr. Richard C. Dale, of counsel for the defendant in error.

179. George Nester et al., vs. Plffs in Error, Frank E. Church.

This cause was argued by Mr. Sims Whitney E. Darsney, of counsel for the plaintiffs in error, and Mr. Frank E. Robson, of counsel for the defendant in error.

180. A. C. Finney, Receiver &c., et al., Plffs in Error, vs. Mary A. Guy, individually & as Executrix &c., Defts in error.

The argument of this cause was commenced by Mr. Frederick W. Reed, of Counsel for the plaintiffs in error.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Pursuant to adjournment the Court met to day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan
David J. Brewer,
Henry B. Brown, Associate
Edward D. White, Justices
Rufus W. Peckham
Oliver Wendell Holmes
William R. Day

John M. Wright, Esquire, Marshal.,
James H. McKenney, Clerk.

Proclamation being made, the Court is opened.

The Honorable William R. Day appeared, and produced the following Letters Patent and, Oaths of Office, which were read in open Court and ordered to be recorded upon the minutes, viz;

Theodore Roosevelt

President of the United States of America,
To all who shall see these Presents, Greeting:
Know Ye, That reposing special trust and confidence in the Wisdom, Uprightness and Learning of William R. Day, of Ohio, I have nominated, and by and with the advice and consent of the Senate, do appoint him Associate Justice of the Supreme Court of the United States and do authorize and empower him to execute

to the Constitution and Laws of the said United States and to Have and to Hold the said Office, with all the powers, privileges and emoluments to the same of right appertaining, unto Him, the said William R. Day, during his good behavior, and commencing February 25, 1903.

In testimony whereof, I have caused these Letters to be made Patent and the seal of the Department of Justice to be hereunto affixed. Given under my hand at the City of Washington the twenty-third day of February in the year of our Lord one thousand nine hundred and three and of the Independence of the United States of America the one hundred and twenty-seventh.

(Seal)

Theodore Roosevelt.

By the President:
P. C. Knox,
Attorney General.

I, William R. Day, do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as Associate Justice of the Supreme Court of the United States ac-

standing agreeably to the Constitution and laws of the United States. So help me God.)

(William R. Day.)

Subscribed and sworn to
before me this second day of
March, A.D. 1903.

(Seal) James H. McKenney
Clerk of the Supreme Court
of the United States.

I, William R. Day, do solemnly swear, that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the Office on which I am about to enter. So help me God.)

(William R. Day.)

Subscribed and sworn to
before me this 2d day of
March, A.D. 1903.

Melville W. Fuller
Chief Justice of the United States.

On motion first made to the Court in this behalf, by Mr. Solicitor General Richards it is ordered that Fred Linus Carroll, Esquire, of Johnstown

of Honolulu, Territory of Hawaii, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. C. Avery it is ordered that Lee S. Overman, Esquire, of Salisbury, State of North Carolina, be admitted to practice as an attorney and counselor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles S. Thomas it is ordered that Scott Ashton, Esquire, of Victor, State of Colorado, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Moses E. Clapp it is ordered that J. A. Sawyer, Esquire, of Owatonna, and Charles R. Davis, Esquire, of St. Peter, State of Minnesota, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. C. Lancaster it is ordered that A. W. Hutton, Esquire, of Los Angeles, State of California, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas H. Clark it is ordered that Francis J. Kearful, Esquire, of New York City, be admitted to practice as an attorney and counselor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William M. Springer it is ordered that Wayman G. Jackson, Esquire, of Muskogee, and Lake Moore, Esquire, of Wetumka, Indian Territory, be admitted to practice as attorneys and counselors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. H. A. Henderson it is ordered that C. E. Snodgrass, Esquire, of Crossville, State of Tennessee, be admitted to practice as an attorney and Counselor of this Court and he was sworn accordingly.

138. The Pullman Company, Plff in Error, vs. Wirt Adams, State Revenue Agent. In Error to the Supreme Court of the State of Mississippi.

This cause came on to be heard on the transcript of the record from the Supreme Court of the St. of Mississippi, and was argued by counsel. On consideration whereof, It is now here order-

ment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs, and interest until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Mississippi.

Per Mr. Justice Holmes.

98. William F. Botsford, Henry McMorran, and P. R. Wright, Appellants, vs. Patrick Shea. On a certificate from the United States Circuit Court of Appeals for the Seventh Circuit.

This cause came on to be heard on a certificate from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by Counsel. In consideration whereof, It is the opinion of this Court that the first and third questions certified must be answered in the negative. Whereupon, It is now here ordered by this Court that it be so certified to the said United States Circuit Court of Appeals.

Per Mr. Justice Brown.

113. The San Jose Land and Water Company, Plff in Error, vs. The San Jose Ranch Company. In Error to the Supreme Court of the State of California.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State

Consideration whereof, It is now here ordered, and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Brown.

(Mr. Justice McKenna took no part in the disposition of this case.)

The North American Transportation & Trading Company, as Claimant of the Steamship "Roanoke," Appellant, vs. P. J. King and A. Hinge, Copartners as King & Hinge, and W. B. Grace, } Appeal from the District Court of the United States for the District of Washington.

No. 123.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of Washington, and was argued by Counsel. On Consideration whereof, It is now here ordered, adjudged, and decreed, by this Court that the decree of the said District Court in this cause be, and the same is hereby reversed with costs; and that this cause be, and the same is hereby, remanded to the said District Court with directions to dismiss the libels.

Per Mr. Justice Brown.

(Mr. Justice Harlan concurred in the result.)

The United States, Appellant,
1492. vs.
Evett D. Mix. Appeals from the Court of Claims.

Evett D. Mix, Appellant,
195. vs.
The United States.

This cause came on to be heard on the transcript of the record from the Court of Claims, on appeal, and cross-appeal, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Court of Claims for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Brown.

Davis and Farnum Manufacturing Company, Appellant,
507. vs. Appeal from the Circuit Court of the United States for the Southern District of California.
The City of Los Angeles.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of California, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged,

the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Brown.

169. Fred P. Hegeman and Richard R. Russelend, doing business as The A. S. Seer Print, Plffs in Error, vs. John A. Springer, as Receiver of The Springer & Welly Company. In Error to the United States Circuit Court of Appeals for the Second Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the Southern District of New York.

Per Mr. Chief Justice Fuller.

179. George Nester, John F. Nester, Frank P. Nester et al., Plffs in Error, vs. Frank E. Church. In Error to the Supreme Court of the State of Michigan.

of the record from the Supreme Court of the State of Michigan, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

Amada C. DeBaca and Charles H. Hunt, Administrators of Antonio Sandoval, deceased, Appellants, v. The United States and The Navajoe Tribe of Indians. } Appeal from the Court of Claims.

No. 192.

This cause came on to be heard on the transcript of the record from the Court of Claims, and was argued by Counsel. On consideration whereof, and error being confessed by appellee, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause be, and the same is hereby reversed; and that this cause be, and the same is hereby remanded to the said Court of Claims with directions to proceed therein according to law.

Per Mr. Chief Justice Fuller.

512. Joseph H. Ching, Petitioner, vs. The United States. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of Counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

573. The Eufaula Cotton Oil Company and James A. Campbell, its President, Petitioner, vs. The Stillwell-Bierce and Smith-Vaile Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of Counsel thereupon had as well, in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

577. Philip S. Witherspoon, Petitioner, vs. Frederick P. O'Neill. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel in support of the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

592. Walter N. Dimmick, Petitioner, vs. The United States. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

599. William E. Ferguson and Edward M. Ferguson, Claimants of the Steam Tug "William E. Ferguson", Petitioners, vs. Enoch Hellieseen et al. — On petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of Counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

608. William J. Hume, Petitioner, vs. The United States. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of Counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

613. The Steamship "Eagle Point," The Norfolk & North American Steam Shipping Co., Limited, Petitioner, vs. The Liverpool, Brazil & River Plate Steam Navigation Co., Limited, — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

617. Paul Capdevielle, Mayor, et al, Petitioners, vs. The United States ex rel. D. M. Kilpatrick et al. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

Ex parte In the matter of Walter N. Dimmick, Petitioner. On consideration of the motion for leave to file a petition for a writ of habeas corpus, It is now here ordered by the Court that said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

603. International Postal Supply Co., of New York, vs. Dwight H. Bruce. On consideration of the motion to advance this cause, It is now here ordered by the Court that said motion be, and the same is hereby, denied, but the cause may be submitted, as under Rule 32, on or before April 6th next.

Per Mr. Chief Justice Fuller.

142. The United States, Appellant, vs. Evett D. Nix.
195. Evett D. Nix, Appellant, vs. The United States.

On motion of Mr. Franklin A. Mackey, of counsel for Nix, leave is hereby granted the Clerk to issue the mandate in this cause.

200. Veeder B. Paine, Appellant, vs. John Foster et al., Trustees. On motion of Mr. S. D. Luckett, of counsel for the appellant, It is ordered by the

457. David R. Julian, Sheriff, et al., Petitioners, vs. The Central Trust Co., et al. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. A. C. Avery and Mr. Lee S. Overman, in support of the same, and Mr. Charles Price, in opposition thereto.

247. The Board of Commissioners of Wilkes County et al., Petitioners, vs. W. M. Coler & Company. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. A. C. Avery, in support of the same, and Mr. John F. Dillon, Mr. Harry Hubbard, Mr. John M. Dillon, and Mr. Charles Price, in opposition thereto.

312. J. L. Howard et al., Appellants, vs. Capt. J. M. Fleming, Warden &c. Mr. Gist Blair, in behalf of counsel for Howard et al., submitted to the consideration of the Court motions to advance these cases.

313. J. L. Howard et al., Plffs in Error, vs. The State of North Carolina.

4, original. The State of Missouri, Complainant, vs. The State of Illinois et al. Mr. William P. Hoare for the Complainant submitted to the consideration of the Court a stipulation of counsel in regard to the taking of testimony in this cause.

609. The Creede & Cripple Creek Mining & Milling Co., Petitioner, vs. The Uinta Tunnel Mining & Transportation Company. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Charles S. Thomas, Mr. W. K. Bryant, and Mr. N. H. Lee, in support of the same, and Mr. Scott Ashton, in opposition thereto, and leave was granted counsel for the petitioner to file a reply brief within five days.

614. August Aiff, Plff in Error, vs. The United States.
615. Frederick J. Schier, Plff in Error, vs. The United States.
616. William Broadwell, Plff in Error, vs. The United States.

On motion of Mr. Francis J. Kearful, of counsel for the plaintiffs in error, It is ordered by the Court that these cases be, and they are hereby, advanced and assigned for argument, as one case, on Monday, October 19th next, after the cases heretofore assigned for that day.

506. Charles T. Barney, Appellant, v. The City of New York et al. Mr. Maxwell Evarts, of Counsel for the appellant, submitted to the Consideration of the Court a motion to advance this cause for oral argument.

612. Alphonse Emsheimer, Petitioner, v. The City of New Orleans. The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. J. D. Rouse, Mr. William Grant, and Mr. L. M. Jordan, in support of the same.

12, Original. The State of Louisiana, Complainant, v. The State of Mississippi. The demurrer of the defendant herein was submitted to the consideration of the Court on printed arguments by Mr. John Dymond Jr., Mr. Alexander Porter Morse, and Mr. Walter Guion, of Counsel for the complainant, and Mr. Monroe McClung, of Counsel for the defendant, and leave was granted Counsel for the complainant to file a reply brief within twenty days.

233. Charles Doherty vs. The State of Vermont. Pltff in Error, In Error to the Supreme Court of the State of Vermont.

It appearing to the Court that an authority of Counsel for the plaintiff in error to dismiss the writ of error in this cause has been filed Therefore, in pursuance of said authority, It is now hereby ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed.

Per Mr. Chief Justice Fuller.

180. A. C. Finney, Receiver &c, et al., vs. Mary A. Guy, individually & as Executrix &c. Pltffs in Error, The argument of this cause was continued by Mr. Frederick W. Reed, of Counsel for the plaintiffs in error, and Mr. R. M. Bashford, of Counsel for the defendant in error, and concluded by Mr. Frederick W. Reed, of Counsel for the plaintiffs in error.

181. John A. Brill et al., vs. The Peckham Motor Truck and Wheel Company. Petitioners. The argument of this cause was commenced by Mr. Francis Rawle, of Counsel for the petitioners.

Proclamation being made the Court is adjourned

Tuesday, March 3d, 1903.

Pursuant to adjournment the Court met today at the Capitol.

Present.

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.
John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. O. H. Platt it is ordered that Edward L. Smith, Esquire, of Hartford, State of Connecticut, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

No. 11, Original. The State of Missouri, Complainant, vs. The State of Illinois et al.

On consideration of the stipulation of counsel as to the taking of testimony in this cause, filed and submitted herein on March 2d, 1903, It is now here ordered by the Court that in addition to the testimony here-

taking of testimony on March 9th, 1903, and proceed with all convenient speed so that all of the testimony shall be filed in the office of the Clerk of this Court on or before Monday, October 12th next.

Per Mr. Chief Justice Fuller.

181. John A. Brill et al., Petitioners vs. The Peerless Motor Truck and Wheel Company. The argument of this cause was continued by Mr. William A. Megrath and Mr. C. A. Duell, of counsel for the respondent, and concluded by Mr. Frederick P. Fish, of counsel for the petitioners, and leave was granted counsel for the respondent to file an additional brief within five days.

183. Joseph J. Martin et al., Petitioners, vs. The Steamship "Southwark." This cause was argued by Mr. John P. Lewis, of counsel for the petitioners, and Mr. N. Dubois Miller, of counsel for the respondent.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Wednesday, March 4th, 1903.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice
John M. Harlan
Henry B. Brown
Edward D. White
Rufus W. Peckham
Oliver Wendell Holmes
William R. Day
Associate Justices.
John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Maxwell Evarts it is ordered that Orlando D. Hammond, Esquire, of Memphis, State of Tennessee, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

24. The United States, Appellant, vs. The Officers & Crew of the U.S. Steamer "Mangrove".

34. The Officers &c of the U.S. Ship "New York", et al., Appellants, vs. The Officers & Crew of the U.S.

On motion of Mr. Benjamin Nicon, of Counsel for the appellees, leave is hereby granted the Clerk to issue the mandate in these cases.

192. Robert R. Wright, Jr. Mayor &c, Plff in Error, vs. Ellen Teresa Morgan et al. Ordered by the Court that this cause be, and the same is, hereby, dismissed, subject to the provisions of section 9 of Rule 26.

184. Contracting & Building Company of Kentucky, Petitioner, vs. The Continental Trust Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

This case having been reached in the regular call of the docket and it appearing to the Court that the petitioner has failed to prosecute its petition, Therefore, It is now here ordered by the Court that said petition be, and the same is hereby, dismissed for want of prosecution.

Per Mr. Chief Justice Fuller.

186. The Oregon & California R.R.Co., Appellant, vs. The United States.

187. The Oregon & California R.R.Co., Appellant, vs. The United States.

These cases were argued by Mr. Maxwell Evarts of counsel for the appellant, and Mr. Charles W. Russell, of counsel for the appellee, and leave was granted counsel for the appellant to file an additional brief within one week and to counsel for the appellee to file

185. The Oregon & California R.R. Co., Appellant, vs. The United States. This cause was argued by Mr. Maxwell Evarts, of Counsel for the appellant, and Mr. Charles W. Russell, of Counsel for the appellee.

219. The Territory of Hawaii, Appellant, vs. Osaki Manuchi. The argument of this cause was commenced by Mr. Edward F. Dole, of Counsel for the appellant.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan
David J. Brewer
Henry B. Brown
Edward D. White
Rufus W. Peckham
Oliver Wendell Holmes
William R. Day,
Associate Justices

John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened;

On motion first made to the Court in this behalf by Mr. Solicitor General Richards it is ordered that Erskine Hazard Dickson, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice, as an attorney and counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. S. T. Fisher it is ordered that Virgil N. Lockwood, Esquire, of Indianapolis, State of Indiana, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

309. The United States, App't, vs. George Dewey, Admiral &c.
310. George Dewey, Admiral &c., App't, vs. The "Don Juan de Austria" &c.
311. Edwin F. Stowell &c., App't, vs. George Dewey, Admiral &c.

On motion of Mr. Benjamin Micou, of counsel, leave is hereby granted the Clerk to issue the mandate in these cases.

625. Arthur John Buston, trading as A. J. Buston & Co., vs. The Pennsylvania Railroad Co. Petitioner,

The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Erskine Hazard Dickson, Mr. George Whalon Pepper, Mr. Samuel Dickson, and Mr. Richard C. Dale, in support of the same, and Mr. John G. Johnson and Mr. Francis P. Prichard, in opposition thereto.

219. The Territory of Hawaii, vs. Appellant, Osadi Mankichi

The argument of this cause was continued by Mr. Edward C. Dole, of Counsel for the appellant, and Mr. Frederic R. Coudert, Jr., and Mr. Paul Fuller, of Counsel for the appellee, and concluded by Mr. Solicitor General Richards, of Counsel for the appellant.

Proclamation being made the Court is adjourned

Pursuant to adjournment the Court met to-day at the Capitol.

Present:

The Honorable Melville W. Fuller, Chief Justice
John M. Harlan
David J. Brewer
Henry B. Brown
Edward D. White
Rufus W. Peckham
Oliver Wendell Holmes
William R. Day
Associate Justices

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Willis Van Devanter it is ordered that John F. McMurray, Esquire, of South McAlester, Indian Territory, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. L. E. Payson it is ordered that George Washington Drew, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Ex parte In the matter of U.S. Joins, Petitioner

Mr. C. L. Herbert, of Counsel for the petitioner, submitted to the consideration of the Court a motion for leave to file a petition for a writ of prohibition and a writ of certiorari, and on motion of Mr. Assistant Attorney General VanDevanter leave was granted Counsel to file briefs in opposition within one week.

Robert L. Winebrenner, Appellant,
vs.
409. Edward C. Forney.

Ida McClung, Plff in Error,
vs.
384. William A. Penny.

These cases were argued by Mr. Samuel H. Harris, of Counsel for the appellant and plaintiff in error and Mr. A. G. C. Bierer, of Counsel for the appellee and defendant in error.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday, March 9th, 1903.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham
Oliver Wendell Holmes,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Richards it is ordered that George Demming, Esquire, of Philadelphia, State of Pennsylvania, and Melvin M. Johnson, Esquire, of Boston, State of Massachusetts, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Willis VanDevanter it is ordered that John A. Simple, Esquire, of Carrollton, State of Ohio be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. T. M. Patterson it is ordered that Fayette B. Tiffany, Esquire, of Colorado Springs, and Herbert L. McNair, Esquire, of Denver, State of Colorado, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas N. Clark it is ordered that C. A. Mountjoy, Esquire, of New York City, and Ormsby McHarg, Esquire, of Jamestown, State of North Dakota, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

166. The National Bank and Loan Company of Watertown, New York, Plff in Error, vs. Moses Petrie. In Error to the Supreme Court of the State of New York.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of New York, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Holmes.

(Mr. Justice McKenna took no part in the decision

165. The National Bank and Loan Company of Watertown, New York, Plff in Error, vs. Lillian Fraser Louse. In Error to the Supreme Court of the State of New York.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of New York, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Holmes.

(Mr. Justice McKenna took no part in the decision of this case.)

172. John Brownfield, Plff in Error, vs. The State of South Carolina. In Error to the Supreme Court of the State of South Carolina.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of South Carolina, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this Cause be, and the same is hereby, affirmed, with costs.

Per Mr. Justice Holmes.

(Mr. Justice McKenna took no part in the decision.)

108. The Missouri Pacific Railway Company, Appellant, vs. The United States. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel. On consideration whereof, it is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals and the decree of the Circuit Court of the United States for the District of Kansas in this cause be, and the same are hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court for further proceedings in conformity with the opinion of this Court.

(Per Mr. Justice White.)

Dissenting:
Mr. Justice Brewer and
Mr. Justice Harlan.
(Mr. Justice Brown concurs in the result.)

97. The Union Steamboat Company, Claimants of the Propeller "New York," Petitioner, vs. The Erie & Western Transportation Company, et al. On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Michigan.

Per Mr. Justice McKenna.
(announced by Mr. Chief Justice Fuller.)

The Kennedy Mining & Milling Company, Plff in Err., vs. The Argonaut Mining Company. } In Error to the Supreme Court of the State of California.

149 & 58.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of California, and was argued by Counsel; On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed, with costs.

Per Mr. Chief Justice Fuller.

Dissenting:
Mr. Justice White and

247. The Board of County Commissioners of Wilkes County, et al., Petitioners, vs. W. N. Color & Co. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, granted.

Per Mr. Chief Justice Fuller.

157. David R. Julian, Sheriff &c., et al., Petitioners, vs. The Central Trust Company, et al., — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, granted.

Per Mr. Chief Justice Fuller.

612. Alphonse Emsheimer, Petitioner vs. The City of New Orleans. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

625. Arthur John Buston, trading as A. J. Buston & Co., Petitioner, vs. The Pennsylvania Railroad Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby denied.

Per Mr. Chief Justice Fuller.

312. J. L. Howard et al., Appellants, vs. Captain J. M. Fleming, Warden &c.

313. J. L. Howard et al., Plffs in Error, vs. The State of North Carolina.

On consideration of the motions to advance these cases, It is now here ordered by the Court that said motions be, and the same, are hereby, granted, and the cases assigned for argument, as one case, on Monday, October 19th next, after the cases heretofore assigned for that day.

Per Mr. Chief Justice Fuller.

506. Charles T. Barney, Appellant, vs. The City of New York et al.

On consideration of the motion to advance this cause for oral argument, It is now here ordered by the Court that said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

Order.

There having been an Associate Justice of this Court appointed since the commencement of this term, It is ordered that the following allotment be made of the Chief Justice and Associate Justices of this Court among the Circuits, agreeably to the act of Congress in such case made and provided, and that such allotment be entered of record, viz:

For the Second Circuit, Rufus W. Peckham, Associate Justice,
For the Third Circuit, Henry B. Brown, Associate Justice,
For the Fourth Circuit, Melville W. Fuller, Chief Justice,
For the Fifth Circuit, Edward D. White, Associate Justice,
For the Sixth Circuit, John M. Harlan, Associate Justice,
For the Seventh Circuit, William R. Day, Associate Justice,
For the Eighth Circuit, David J. Brewer, Associate Justice,
For the Ninth Circuit, Joseph McKenna, Associate Justice.

Per Mr. Chief Justice Fuller.

628. Henry C. Payne, Postmaster General, vs. The U.S. ex rel. The National Railway Publication Co.

629. Henry C. Payne, Postmaster General, vs. The U.S. ex rel. The Railway List Company.

The petitions for writs of certiorari herein were submitted to the consideration of the Court by Mr. Solicitor General Richards, in support of the ap-

65. Rudolph Helwig, Plff in Error, vs. The United States.

On motion of Mr. Assistant Attorney General, Hoyt, of Counsel for the defendant in error,

leave is hereby granted the Clerk to issue the mandate in this cause.

11. The Citizens' Bank of Louisiana, Plff in Error, vs. Caleb H. Parker, Tax Collector &c. On motion of Mr. Murphy J. Foster, of counsel for the plaintiff in error, it is ordered by the Court that this cause be, and the same is hereby, assigned for re-argument on Monday, October 19th next, after the cases heretofore assigned for that day.

194. Carnikow, MacDougall Company, Limited, Plff in Error, vs. George R. Bidwell, Collector &c. The motion to continue this cause until the next term was submitted to the consideration of the Court by Mr. A. W. VanDyke, in behalf of counsel for the plaintiff in error, in support of the same, and Mr. Solicitor General Richards, in opposition thereto.

623. Charles B. Kimball et al., Petitioners, vs. The Chicago Hydraulic Press Brick Company et al. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Edmund A. Smalley, in support of the same, and Mr. Edward Cunningham, Jr., in opposition thereto.

627. Robert L. West et al., Plffs in Error, vs. The State of Louisiana. Mr. Frederic D. McKenney, in behalf of Counsel for the plaintiffs in error, submitted to the Consideration of the Court a motion to advance this Cause.

Ex parte In the matter of James S. Barton Kerr, Petitioner. Mr. Frederic D. McKenney, of Counsel for the petitioner, submitted to the Consideration of the Court a motion for leave, to file a petition for a writ of mandamus, herein.

626. Nathaniel W. Raphael, Appellant, vs. Spencer Mask et al., Mr. Charles F. Camsi, in behalf of Counsel for the appellant, suggested the death of Nathaniel W. Raphael, the appellant herein, and moved the Court to make Martha Raphael, Administratrix of the estate of said Nathaniel W. Raphael, the party appellant in this Cause. Whereupon It is now here ordered by the Court that the said Martha Raphael, Administratrix of the estate of Nathaniel W. Raphael, deceased, be, and she is hereby, made the party appellant in this Cause.

The Eckington & Soldiers' Home Railway Company of the District of Columbia,
184. vs. Plff in Error.
Florence McDevitt,

This cause was submitted to the consideration of the Court, pursuant to the order entered on February 2d, 1903, on the record and printed arguments by Mr. John Ridout and Mr. W. L. McDermott, of Counsel for the plaintiff in error and Mr. A. S. Worthington, Mr. J. O. Wilson, and Mr. Charles L. Bailey, of Counsel for the defendant in error.

Robert A. Billingslea,
606. vs. Petitioner,
Kansas City Southern Railway Co., et al.,

On petition for a writ of Certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

It appearing to the Court that a stipulation of Counsel for the respective parties to dismiss this petition for a writ of Certiorari has been filed, Therefore, in pursuance of said stipulation, It is now here ordered and adjudged by this Court that the said petition be, and the same is hereby, dismissed at the costs of the Respondents.

Per Mr. Chief Justice Fuller.

Farmers & Merchants Insurance Co.
184. vs. Plff in Error.
[illegible]

This cause was submitted to the consideration of the Court on the

arguments by Mr. Halleck F. Rose, of Counsel, for the plaintiff in error, and Mr. M. P. Kinkead, of Counsel for the defendant in error.

Southern Pacific Railroad Co., et al.,
vs. Appellants,
190. The United States.

The argument of this cause was commenced by Mr. Maxwell Evarts, of Counsel for the appellants, and continued by Mr. Joseph H. Call, of Counsel for the appellee, and Mr. L. E. Payson, of Counsel for the appellants.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Tuesday, March 10th, 1903.

Pursuant to adjournment the Court met today at the Capitol.

Present:

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Oliver Wendell Holmes
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. E. J. Brindle it is ordered that Charles J. Williamson, Esquire, of Washington, District of Columbia, and Richard P. Elliott, Esquire, of Boston, State of Massachusetts, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph H. Call it is ordered that Charles L. Patton, Esquire, of San Francisco, State of California, and Elwood P. Morey, Esquire, of Washington, District of Columbia, be admitted to practice as attorneys and counsellors of

On motion first made to the Court in this behalf by Mr. John A. Mitchell it is ordered that George C. Stout, Esquire, of Portland, State of Oregon, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

504. The State Board of Assessors of the Parish of Orleans et al., Appellants, vs. The Comptoir National d'Escompte de Paris

Mr. F. C. Zacharie, of counsel for the appellants, submitted to the consideration of the Court a motion to advance this cause.

190. Southern Pacific Railroad Co., et al., Appellants, vs. The United States

The argument of this cause was concluded by Mr. L. E. Payson, of counsel for the appellants.

191. Samuel Bell, Petitioner, vs. The Commonwealth Title Insurance and Trust Co.

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Solicitor General Richards and Mr. Assistant Attorney General Beer of counsel for the petitioner, and Mr. John G. Johnson, of counsel for the respon-

1903.	The San Diego Land and Town Company, Appellant, vs. James A. Jasper et al.	This cause was argued by Mr. John D. Works, of Counsel for the appellant, and Mr. A. Haines, of Counsel for the appellee.
1904.	Czarnikow, Mac Dougall & Co., Limited, Plff in Error, vs. George R. Bidwell, Collector &c.	Ordered by the Court that this cause be, and the same is hereby, passed.
1906.	Bank of Commerce, Plff in Error, vs. Charles A. Willsie, Prosecuting Attorney.	Reargument of this cause was commenced by Mr. Augustin Boise, of Counsel for the plaintiff in error.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Wednesday, March 11th, 1903.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Rufus W. Peckham
Oliver Wendell Holmes
} Associate Justices
John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Harvey N. Shepard it is ordered that George F. Richardson and William A. Hogan, Esquires, of Lowell, State of Massachusetts, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

620. Isabella Gonzales, Appellant, v. William Williams, U.S. Commissioner of Immigration.

Mr. A. H. VanDyke, in behalf of counsel, for the appellant, submitted to the consideration of the Court a motion to advance this cause.)

196. Bank of Commerce, Pltff in Error, vs. Charles F. Willie, Prosecuting Attorney. The argument of this cause was concluded by Mr. Augustin Boice, of counsel for the plaintiff in error, and the case was submitted on a printed argument by Mr. Merrill Moores and Mr. C. C. Hadley, of counsel for the defendant in error.

197. Hunter A. Moss Jr., Prosecuting Attorney &c., et al., Appellants, vs. Elois Glenn. This cause was argued by Mr. Hunter A. Moss Jr., of counsel for the appellants, and submitted on a printed argument by Mr. C. C. Cole, of counsel for the appellee.

198. The United States, Pltff in Error, vs. The Mission Rock Co. This cause was argued by Mr. Solicitor General Richards, of counsel for the plaintiff in error, and Mr. Charles Page, of counsel for the defendant in error.

388. Jeremiah F. McCarthy, Mary McCarthy Daley and John J. McCarthy, Pltffs in Error and Appls, vs. James F. McCarthy. On Error to and Appeal from the Court of Appeals of the District of Columbia.

It appearing to the Court that a stipulation

the writ of error in this cause and this appeal have been filed. Therefore, in pursuance of said stipulation, It is now here ordered, adjudged, and decreed by this Court that the writ of Error in this cause and this appeal be, and the same are hereby dismissed, each party to pay its own costs in this Court.

Per Mr. Chief Justice [illegible]

388. Jeremiah T. McCarthy et al, vs. Affirm'd Error & Appeals, James T. McCarthy. } It is ordered by the Court that leave be, and the same, is hereby, granted the Clerk to issue the mandate in this cause.

201. Clara Perry, Owner &c, vs. Affirm'd Error, Cornelius L. Haines. } The argument of this cause was commenced by Mr. Martin Clark, of counsel for the plaintiff in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Thursday, March 7th 1904.

(Pursuant to adjournment the Court met to-day at the Capitol.

(Present.

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Rufus W. Peckham,
Oliver Wendell Holmes
} Associate Justices

John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened,

On motion first made to the Court in this behalf by Mr. Thomas H. Clark it is ordered that John L. Romer, Esquire, of Buffalo, State of New York, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. R. Ross Perry, Jr., it is ordered that Seymour C. Loomis, Esquire, of New Haven, State of Connecticut, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.)

On motion first made to the Court in this behalf by Mr. Charles P. Cates, Jr., it is ordered that Joshua

be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

201. Clara Perry, Owner &c., vs. Plff in Error, Cornelius L. Haines. The argument of this cause was continued by Mr. Martin Clark, of counsel for the plaintiff in error, and Mr. George F. Thompson, of counsel for the defendant in error, and concluded by Mr. Martin Clark, of counsel for the plaintiff in error.

199. Charles J. Glidden, Trustee, vs. Plff in Error, John A. Harrington, Collector. This cause was argued by Mr. Harvey N. Shepard, of counsel for the plaintiff in error, and Mr. George F. Richardson, of counsel for the defendant in error.

203. James Hennessy et al, Appts, vs. Richardson Drug Co.,
204. James Hennessy et al, Appts, vs. Walter Maier et al.,
205. James Hennessy et al, Appts, vs. Carrie May et al.
These cases were argued by Mr. A. L. Pinckney, of counsel for the appellants, and submitted on a printed argument by Mr. Charles F. Tuttle, of counsel for the appellees.

206. The Chattanooga National, Building & Loan Association, vs. Petitioner, This cause was submitted to the Consideration of

Record and printed arguments by Mr. Robert Pritchard, of Counsel for the Petitioner, and Mr. O. W. Underwood, of Counsel for the Respondents.

207. G. A. Thayer, Administrator &c., et al., Plffs in Error, v. A. M. Spratt. This cause was argued by Mr. Joseph Simon, of Counsel for the Plaintiffs in error, and Mr. George C. Stout, of Counsel for the defendant in error.

208. The People of the State of Illinois ex rel. George F. Rayburn et al., Plffs in Error, v. Hugh A. Binns et al. This cause was submitted to the consideration of the Court on the Record and printed argument by Mr. E. D. Blinn, of Counsel for the Plaintiffs in error. No Counsel appeared for the defendants in error.

209. The State of Tennessee ex rel. G. L. Maloney et al., Plffs in Error, v. Stephen P. Condon et al. The argument of this cause was commenced by Mr. J. H. Riddle, of Counsel for the plaintiffs in error.

Proclamation being made the Court is adjourned

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Rufus W. Peckham,
Oliver Wendell Holmes,
Associate Justices.
John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. John F. McMurray it is ordered that George A. Mansfield, Esquire, of South McAlester Indian Territory, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. L. H. Pickle it is ordered that John L. Branch, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. O. Bacon it is ordered that Boykin Wright, Esquire, of Augusta, State of Georgia

counsellor of this Court and he was sworn accordingly.

Ex parte. In the matter of W. S. Joins, Petitioner. On motion of Mr. H. S. Cruce, of counsel for the petitioner, leave, is hereby granted him to file a reply brief herein within one week.

The Interstate Commerce Commission, Appellant, vs. The Louisville & Nashville Railroad Company et al. No. 114. Ordered by the Court that this cause be, and the same is hereby, passed, subject to the provisions of section 9 of Rule 20.

The State of Tennessee ex rel. L. L. Maloney et al., Plffs in Error, vs. Stephen P. Condon et al. No. 209. The argument of this cause was continued by Mr. Joshua W. Caldwell, of counsel for the defendants in error, and concluded by Mr. G. W. Pickle, of counsel for the plaintiffs in error.

Knoxville Water Company, Plff in Error, vs. The Mayor and Aldermen of No. 212. The argument of this cause was commenced by

Cates, Jr., of counsel for the plaintiff in error, and concluded by Mr. L. W. Fields, of counsel for the defendants in error, and concluded by Mr. Heber J. May, of counsel for the plaintiff in error.

Proclamation being made the Court is adjourned, until Monday next at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham
Oliver Wendell Holmes
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Joseph W. Bailey, it is ordered that Thomas W. Dodd, Esquire, of Laredo, State of Texas, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. J. Beveridge it is ordered that Ralph Bamberger, Esquire, of Indianapolis, State of Indiana, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jefferson Chandler it is ordered that Edward J.

Mr Janney, Esquire, of New York City, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Louis A. Pradt it is ordered that Charles F. Kinchelow, Esquire, of Quincy, State of Illinois, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Blair Lee it is ordered that John F. Lee, Esquire, of St. Louis, State of Missouri, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Boyden Wright it is ordered that John C. Hart, Esquire, of Union Point, State of Georgia, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Dwane E. Fox it is ordered that Abner S. B. Sutton, Esquire, of Sault Ste. Marie, State of Michigan, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jefferson Chandler it is ordered that Charles J. Heggerty, Esquire, of San Francisco, State of California, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

137. Edward H. Pardee and Arabella D. Huntington, Executrix, and Charles H. Tweed and Isaac E. Gates, Executors of Collis P. Huntington, deceased, Plffs in Error, v. A. D. Aldridge, A. F. Hardie, and W. G. Mowry, Trustees for J. E. Downs and Associates.

In Error to the Court of Civil Appeals for the Fifth Supreme Judicial District of the State of Texas.

This cause came on to be heard on the transcript of the record from the Court of Civil Appeals for the Fifth Supreme Judicial District of the State of Texas, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Civil Appeals in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Holmes.

Dissenting:
Mr. Justice White and
Mr. Justice Peckham.

167. Nashua Savings Bank, Petitioner, v. Anglo-American Land Mort. gage and Agency Company, Limited. On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the First Circuit, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the District of New Hampshire.

(Per Mr. Justice Brown.)

170. Manuel S. Delcambra, v. Cliff in Error, Hannah Rogers and Frank J. Rogers. In Error to the Supreme Court of the State of California.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of California, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed,

The Chief Justice announced that the Court would take a recess from Monday the 23d instant to Monday, April 6th next.

623.

Ozanne Low, MacDougall & Company, Limited, Plff in Error,
vs.
1914. George R. Bidwell, Collector &c.

It is ordered by the Court that this cause be, and the same is hereby continued until the next term.

Per Mr. Chief Justice Fuller.

The Creede & Cripple Creek Mining and Milling Company, Petitioner,
vs.
609 The Uinta Tunnel, Mining & Transportation Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

627.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, granted.

Per Mr. Chief Justice Fuller.

678.

harles B. Kimbell et al., Petitioners. vs. The Chicago Hydraulic Press Brick Company et al., On petition for writ of Certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

n consideration of the petition for a writ of ertiorari herein to the United States Circuit ourt of Appeals for the Eighth Circuit, and the argument of Counsel thereupon had, s well in support of as against the same, t is now here ordered by the Court that said etition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

obert L. West et al., Plffs in Error vs. The State of Louisiana. On consideration of the motion to advance this cause, It is now here dered by the Court that said motion be, d the same is hereby, granted and the use assigned for argument on Monday, pril 6th next.

Per Mr. Chief Justice Fuller.

ary C. Payne, Postmaster General, Petitioner vs. The United States on the relation of National Railway Publication Co. On petition for writ of Certiorari to the Court of Appeals of the District of Columbia.

certiorari herein to the Court of App
the District of Columbia, and of the a
of Counsel in support of the Same, I
here ordered by the Court that said
be, and the same is hereby, granted.
Per Mr. Chief Justice

629. Henry C. Payne, Postmaster General, Petitioner, vs. The United States ex relations. The Railway List Company. On petition of certiora Court of A of the Dis Columbia

On consideration of the petition for a w
certiorari herein to the Court of App
the District of Columbia, and of the
ment of counsel in support of the
It is now here ordered by the Court th
petition be, and the same is hereby, gr
Per Mr. Chief Justice.

534. The State Board of Assessors for the Parish of Orleans et al., vs. The Comptoir National d'Escompte de Paris, Appellants, On consi of the mot advance cause, I here or the Court

said motion be, and the same is hereby,
and the cause assigned for argument
day, October 19th next, after the cases here

692. Isabella Gonzales, Appellant vs. William Williams, U.S. Commissioner of Immigration. On consideration of the motion to advance this cause, It is now here ordered by the Court that said motion be, and the same is hereby, granted and the cause assigned for argument on Monday, October 19th next after the cases heretofore assigned for that day.

Per Mr. Chief Justice Fuller.

13 Original. Ex parte In the matter of James S. Barton Key, Petitioner. On consideration of the motion for leave to file a petition for a writ of mandamus herein, It is now here ordered by the Court that said motion be, and the same is, hereby, granted.

Per Mr. Chief Justice Fuller.

14 Original. Ex parte In the matter of James S. Barton Key, Petitioner. On consideration of the petition of James S. Barton Key, It is now here ordered by this Court that cause be shown by the Court of Appeals of the District of Columbia and the Hon. Richard H. Alvey, Chief Justice, and the Hon. Martin F. Morris, and the Hon. Seth Shepard, Associate Justices

Washington, on Monday, April 6th next, at 10 o'clock noon of that day, or as soon thereafter as Counsel can be heard, why a writ of mandamus should not be awarded as prayed.

Per Mr. Chief Justice Fuller.

32. The United States, Appt, vs. The California & Oregon Land Co.
33. The California & Oregon Land Co. Appt, vs. The United States

It is ordered by the Court that these cases be, and they are hereby, restored to the docket to be resubmitted on briefs to a full bench.

Per Mr. Chief Justice Fuller.

1916. The Bank of Commerce, vs. Pfaff in Error, Charles S. Wiltsie, Prosecuting Attorney. In Error to the Supreme Court of the State of Indiana.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Indiana, and was argued by Counsel. On consideration whereof, It is, now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

197. Hunter & H. Moss, Jr., Prosecuting Attorney for Wood County, West Virginia, John W. Dudley, Sheriff of Wood County, West Virginia, and The State of West Virginia, Appellants, vs. Ellis Glenn. Appeal from the Circuit Court of the United States for the Northern District of West Virginia.

This cause came on to be heard on the transcript of record from the Circuit Court of the United States for the Northern District of West Virginia, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the order of the said Circuit Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to quash the writ of habeas corpus and dismiss the petition.

Per Mr. Chief Justice Fuller.

208. The People of the State of Illinois on the relation of George P. Rayburn et al., Plaintiffs in Error, vs. Hugh A. Sims, William V. Gullett, Gilbert Gunston et al, Composing The President & Board of Trustees of the Village of Middletown, in Logan & Menard Counties, Illinois. In Error to the Supreme Court of the State of Illinois.

of the record from the Supreme Court of the State of Illinois, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

The Honorable Henry M. Hoyt appeared and produced the following Letters Patent, which were ordered to be recorded on the minutes of the Court as follows, viz;

Theodore Roosevelt,
President of the United States of America,
To all who shall see these Presents, Greeting:
Know Ye, That reposing special trust and confidence in the Integrity and Ability of Henry M. Hoyt, of Pennsylvania, I have nominated and by and with the advice and consent of the Senate, do appoint him Solicitor General, and do authorize and empower him to execute and fulfil the duties of that Office according to Law, and to have and to hold the said Office, with all the powers, privileges, and emoluments thereunto of right appertaining, unto him the said Henry M. Hoyt, commencing February 25, 1903.

In testimony whereof, I have caused these Letters to be made, Patent and the seal of the

Sequents to affixed.
Given under my hand at the
City of Washington, the twenty-
third day of February in the
year of our Lord, one thousand
Nine hundred and three and
of the Independence of the United
States of America, the one hun-
dred and twenty-seventh
Theodore Roosevelt,
(Seal)

By the President:
P. C. Knox
Attorney General.

595. Edward S. Sharp, Plff in Error, vs. The United States. Mr. Solicitor General, Hoyt, of counsel for the defendant in error, submitted to the consideration of the Court a motion to advance this cause

630. The United States, Petitioners, vs. Alfred L. Mueller et al. The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. Solicitor General Hoyt, in support of the same.

632. The United States of America ex rel. The Riverside Oil Co., vs. Plff in Error, Ethan A. Hitchcock, Secretary of the Interior, — On motion of Mr. Solicitor General Hoyt, It is ordered by the Court that this cause be, and the same is hereby, advanced and assigned for argument after Nov. 2d and 9th.

638. The Mexican National Railroad Company, vs. Petitioner Neil Jackson, — The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. P. W. Dodd, in support of the same.

636. William A. Wright, Comptroller General, vs. Petitioners. The Louisville & Nashville Railroad Co. et al. — The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Boykin Wright and Mr. John C. Hart, in support of the same, and Mr. Alex. C. King, in opposition thereto.

633. Walker Given, vs. Petitioner, Times-Republican Printing Company et al. — The petition for a writ of certiorari herein was submitted to the con-

Court on a printed argument by Mr. Andrew A. Lipscomb, in support of the same, with leave to counsel for the respondents to file brief in opposition thereto within ten days.

213. A. D. James, U.S. Marshal &c., vs. Appellants Henry Bowman

This cause was argued by Mr. Solicitor General Hoyt, of counsel for the appellants, and Mr. Swagar Sherley of counsel for the appellee.

217. Cosmos Exploration Co., vs. Appellants Gray Eagle Oil Co. et al.

218. Pacific Land & Improvement Co. vs. Appellants Elwood Oil Company et al

The argument of these cases was commenced by Mr. T. C. Van Ness, of counsel for the appellants

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Tuesday, March 17th, 1903.

Pursuant to adjournment the Court met today at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
David J. Brewer
Henry B. Brown, Associate
Edward D. White, Justices.
Rufus W. Peckham
Oliver Wendell Holmes.

John M. Wright, Esquire, Marshal;
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

228. Bent Ross, Appellant, vs. Martin Aguirre, Warden &c. Ordered by the Court that this cause be, and the same is hereby, continued, per stipulation of counsel;

217. Cosmos Exploration Co., Appellant, vs. Gray Eagle Oil Co., et al.

218. Pacific Land & Improvement Co., Appellant, vs. Elwood Oil Co., et al., The argument of these causes was continued by Mr. P. C. Van Ness, of counsel for the appellants, and Mr. J. S. Chapman, of counsel for the appellees, and concluded by Mr. Jefferson Chandler, of counsel for the appellants, and leave was granted counsel for

ten days and to counsel for the appellants to file a reply thereto within five days thereafter.

632. The United States of America ex rel. The Riverside Oil Co., vs. Hoffin, Error, Ethan A. Hitchcock, Secretary of the Interior.

The argument of this cause was commenced by Mr. Jefferson Chandler, of counsel for the plaintiff in error, and continued by Mr. J. S. Chapman, of counsel for the defendant in error, and Mr. Jefferson Chandler, of counsel for the plaintiff in error.

630. The United States, Petitioner, vs. Alfred R. Mullins.

On motion of Mr. Solicitor General Knight, leave is hereby granted counsel for the respondent to file a brief herein within two weeks.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Wednesday, March 8th, 1893.

Pursuant to adjournment the Court met to-day at the Capitol.

Present:

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Oliver Wendell Holmes,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. D. D. Duncan it is ordered that Henry F. Cochrane, Esquire, of Brooklyn, State of New York, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. O. Bacon it is ordered that Allen Fort, Esquire, of Americus, State of Georgia, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

632. The United States of America ex rel. The Riverside Oil Co., v. Stiff in Error; Ethan A. Hitchcock, Secretary of the Interior.

Reargument of this cause was continued by Mr. Jefferson Chandler, of counsel for the plaintiff in error, and concluded by Mr. Shirley C. Ward, by special leave, of counsel for the plaintiff in error, and leave was granted counsel for the plaintiff in error to file an additional brief within five days and to counsel for the defendant in error to file a reply thereto within five days thereafter.

215. The Singer Manufacturing Co., v. Petitioner, Herman Cramer.

The argument of this cause, was commenced by Mr. Charles C. Linthicum, of counsel for the petitioner, and continued by Mr. John A. Miller, of counsel for the respondent, and Mr. Charles K. Offield, of counsel for the petitioner.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Thursday, March 19th, 1903.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Oliver Wendell Holmes. } Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. William A. Maury it is ordered that Edwards Herrick Childs, Esquire, of New York City, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Altheus Johnson it is ordered that James Edgar Smith, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

213. A. D. James, U.S. Marshal, et al., Appellants, vs. On motion of Mr. Solicitor General

for the appellants, leave is hereby granted him to file an additional brief herein.

215. The Singer Manufacturing Co, vs. Petitioner, Herman Cramer. The argument of this cause was concluded by Mr. Charles K. Offield, of counsel for the petitioner.

578. The United States, Appt, vs. The Spanish Smack "Virgen de Valvanera" &c.

579. The United States, Appt, vs. The Spanish Schooner "Lola" &c.

These cases were argued by Mr. Solicitor General Hoyt, of counsel for the appellant, and Mr. J. Parker Kirlin, of counsel for the appellees.

580. The United States, Appt, vs. The Fishing Smack "Poder de Dios" &c.

581. The United States, Appt, vs. The Fishing Smack "Antonia y Pacita" &c.

582. The United States, Appt, vs. The Fishing Smack "Ingracia" &c.

583. The United States, Appt, vs. The Fishing Smack "Severita" &c.

584. The United States, Appt, vs. The Fishing Smack "Antonio Suarez" &c.

585. The United States, Appt, vs. The Fishing Smack "Fernandita" &c.

586. The United States, Appt, vs. The Fishing Smack "Oriente" &c.

587. The United States, Appt, vs. The Fishing Smack "Esperanza" &c.

588. The United States, Appt, vs. The Fishing Smack "Cuatro de Setiembre" &c.

589. The United States, Appt, vs. The Fishing Smack "Santiago Apostol" &c.

These cases were argued by Mr. Solicitor General Hoyt, of counsel for the appellant, and Mr. J. Parker Kirlin, of counsel for the appellees.

210. The County of St. Clair, vs. Plff in Error, The Interstate Bond and Car Transfer Co.)

The argument of this cause was commenced by Mr. John P. Lee, of counsel for the defendant in error.)

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Oliver Wendell Holmes,
Associate Justices.
John M. Wright, Esquire, Marshal,
James A. McKenney, Clerk.

Proclamation being made, the Court is opened.

On motion first made to the Court in this behalf by Mr. David W. Fairleigh it is ordered that Bernard Flexner, Esquire, of Louisville, State of Kentucky, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Ex parte. In the matter of U. S. Johns, Petitioner.

On motion of Mr. G. A. Mansfield, leave is hereby granted him to file a supplemental brief herein in opposition to the motion for leave to file petition for writs of prohibition and certiorari.

Ex parte In the matter of William W. Watts, Petitioner. Mr. David W. Fleming, of counsel for the petitioner, submitted to the consideration of the Court a motion for leave to file a petition for writs of habeas corpus and certiorari and a motion that the petitioner be admitted to bail.

Ex parte In the matter of David A. Sachs, Petitioner. Mr. H. M. Smith, of counsel for the petitioner, submitted to the consideration of the Court a motion for leave to file a petition for writs of habeas corpus and certiorari and a motion that the petitioner be admitted to bail.

210. The County of St. Clair, Plff in Error, vs. The Interstate Land and Car Transfer Company. The argument of this cause was concluded by Mr. John F. Lee, of counsel for the defendant in error, and the cause was submitted on a printed argument by Mr. Charles H. Thomas, of counsel for the plaintiff in error.

220. The Fidelity & Deposit Co., of Maryland, Petitioner, vs. This cause was argued by Mr. R. H. Liggett, of

titioner, and Mr. A. Bisbee, of counsel for the respondent.

221. The Union & Planters Bank of Memphis, Appellant, vs. The City of Memphis. — These cases were submitted to the consideration of the Court on the records and printed arguments by Mr. W. H. Carroll, of counsel for the appellant, and Mr. Luke E. Wright, of counsel for the appellee.

67. The Union & Planters Bank of Memphis, Appellant, vs. The City of Memphis.

222. The Texas & Pacific Railway Company, vs. Michael Conlon. — This cause was argued by Mr. D. D. Dunean, of counsel for the plaintiff in error, and submitted on a printed argument by Mr. F. E. Allright, of counsel for the defendant in error.

223. The Texas & Pacific Railway Company, vs. Samuel E. Walcott. — This cause was argued by Mr. D. D. Dunean, of counsel, for the plaintiff in error, and leave was granted counsel for the defendant in error to file a printed brief within two weeks.

The Texas & Pacific Railway Company
vs. } Diff in Error.
Abe Behymer.

defendant in error.

No. 921.

The argument of this cause was commenced by Mr. Cone Johnson, of counsel for the

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present:

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Oliver Wendell Holmes
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Hoyt it is ordered that Charles M. Stafford, Esquire, of Brooklyn, State of New York, be admitted to practice as attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederic D McKenney it is ordered that N. N. Hammond, Esquire, of Peoria, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf

P. O'Neill, Esquire, of Brooklyn, State of Massachusetts, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

212. Knoxville Water Company, Plff in Error, vs. The Mayor and Aldermen of the City of Knoxville. In Error to the Supreme Court of the State of Tennessee.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Tennessee, and was argued by Counsel, On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed, with costs.

Per Mr. Justice Holmes.

(Mr. Justice White, Mr. Justice McKenna, and Mr. Justice Day not having been present at the argument took no part in the decision of this case.)

152. Eastern Building and Loan Association of Syracuse, New York, Plff in Error, vs. Bright Williamson. In Error to the Supreme Court of the State of South Carolina.

This cause came on to be heard on the transcript

South Carolina, and was argued by Counsel. On consideration whereof, It is now here ordered, and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Brewer.

(Mr. Justice White concurs in the result.)

148. Kokomo Fence Machine Company, vs. Alva L. Kitselman and Davis M. Kitselman. On writ & Cross-writ of Certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, on writ & cross-writ of certiorari, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, reversed with costs, and the decree of the Circuit Court of the United States for the District of Indiana, be, and the same is hereby, affirmed, And that this cause be, and the same is hereby, remanded to the said Circuit Court.

Per Mr. Chief Justice Fuller

1903. James Hennessy, Maurice Hennessy, Armand Castelleon, and Emanuel Castaigne, vs. Richardson Drug Company. Appellants, Appeal from the Circuit Court of the United States for the District of Nebraska.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Nebraska, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, reversed, with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court for a rehearing on the merits.

Per Mr. Chief Justice Fuller.

1904. James Hennessy, Maurice Hennessy, Armand Castelleon, and Emanuel Castaigne, vs. Walter Moise and Harry Hayward. Appellants. Appeal from the Circuit Court of the United States for the District of Nebraska.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Nebraska, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit

reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court for a rehearing on the merits.

Per Mr. Chief Justice Fuller.

James Hennessey, Maurice Hennessey, Armand Castellon, and Emanuel Castaigne, Appellants, v. Carrie May and Henry Hilton. Appeal from the Circuit Court of the United States for the District of Nebraska.

205.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Nebraska, and was argued by counsel. On consideration whereof, it is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court for a rehearing on the merits.

Per Mr. Chief Justice Fuller.

Ex parte In the matter of H. S. Joins, Petitioner. On consideration of the motion for leave to file a petition for writs of prohibition and certiorari herein, and of the argument of counsel thereupon had, as well in support of

14, Original.

by the Court that said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Fuller.

Ex parte. In the matter of M. S. Joins, Petitioner. On consideration of the petition of M. S. Joins, It is now here

111, Original. ordered by the Court that cause be shown by The Choctaw and Chickasaw Citizenship Court, and each of the Judges thereof, and James B. Cassada, the Clerk of said Court, before this Court, at the City of Washington, on Monday, October 19th next, at 12 o'clock noon of that day, or as soon thereafter as counsel can be heard, why writs of prohibition and certiorari should not be granted as prayed in said petition.

Per Mr. Chief Justice Fuller.

Edward S. Sharp, In Error, On consideration of the motion to advance

595. vs. this cause, It is now

The United States. here ordered by the Court that said motion be, and the same is hereby, granted, and the cause assigned for argument on Monday, October 19th next, after the cases heretofore assigned for that day.

Per Mr. Chief Justice Fuller.

636. William A. Wright, Comptroller General, vs. The Louisville & Nashville Railroad Company et al. Petitioner, On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby granted.

per Mr. Chief Justice Fuller.

638. The Mexican National Railroad Company vs. Neil Jackson Petitioner, On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel in support of the same, It is now here ordered by the Court that said petition be, and the same is hereby denied.

per Mr. Chief Justice Fuller.

Ex parte In the matter of William H. Watts, Petitioner. 15, Original.

On consideration of the motion for leave to file the petition for writs of habeas corpus and certiorari herein, It is now here ordered by the Court that said motion be, and the same is hereby, granted, and that the writs of habeas corpus and certiorari issue returnable on Monday, April 6th next.

It is further ordered that the petitioner be released on his personal recognizance in the sum of five hundred dollars to be entered into before the Judge of the District Court of the United States for the District of Indiana, or in his absence before the Clerk of said Court.

Per Mr. Chief Justice Fuller.

Ex parte In the matter of David A. Sachs, Petitioner. 16, Original.

On consideration of the motion for leave to file the petition for writs of habeas corpus and certiorari herein, It is now here ordered by the Court that said motion be, and the same is hereby, granted, and that the writs of habeas corpus and certiorari issue returnable on Monday, April 6th next.

It is further ordered that the petitioner be released on his personal recognizance in the sum of five hundred dollars to be entered into before the Judge of the District Court of the United

before the Clerk of said Court
per Mr. Chief Justice Fuller.

Order.

The Reporter having represented that, owing to the number of decisions at the present term, it will be impracticable to put the reports in one volume, It is, therefore, now here ordered that he publish an additional volume in this year, pursuant to section 681 of the Revised Statutes.

per Mr Chief Justice Fuller.

32. The United States, Appt, vs. The California & Oregon Land Co.
33. The California & Oregon Land Co., Appt, vs. The United States.

These Cases were re-submitted to the Court, pursuant to the order of March 16th, on the record and printed arguments by Mr. Charles W. Russell, of Counsel for the United States, and Mr. John T. Dillon, Mr. A. B. Browne, and Mr Alex Britton, of Counsel for the Land Co.

145. Gustavus Leach et al., vs. Plffs in Error, Charles R. Burr, Executor, etc. On motion of Mr. William A. Meloy of Counsel for the Plaintiffs in error

It is ordered by the Court that the mandate in this cause be stayed until April 6th next.

632. The United States of America & ul. The Riverside Oil Co., Plff in Error, vs. Ethan A. Hitchcock, Secretary of the Interior. On motion of Mr. Shirley C. Ward, of counsel for the plaintiff in error, It is ordered by the Court that counsel for the plaintiff in error be granted three days additional time within which to file a reply brief herein.

157. Louisa V. Kidd, Plff in Error, vs. The State of Alabama. 158. Louisa V. Kidd Executrix &c. Plff in Error, vs. The State of Alabama. On motion of Mr. Thomas N. Clark, of counsel for the defendant in error, leave is hereby granted the Clerk to issue the mandates in these cases.

619. Robert H. Downman et al., Executors &c., Petitioners, vs. The German Insurance Co., of Freeport, Illinois. The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. A. M. Atkinson, in support of the same.

Ex parte In the matter of Herman Frasch, Petitioner. Mr. Charles J. Hedrick, of counsel for the petitioner, submitted

of the Court a motion for leave to file a petition for a writ of mandamus herein.

398. Antoinette B. Kenney et al, Appellants, vs. The Columbia Savings and Loan Association. — Mr. A. A. Hocking, Jr., in behalf of counsel, submitted to the consideration of the Court a motion to advance this cause.

336. Mexican Central Railway Company, Limited, Plff in Error, vs. J. M. Duffie. — On motion of Mr. A. B. Browne, of counsel for the plaintiff in error, It is ordered by the Court that this cause be, and the same is hereby, advanced pursuant to the 32d Rule.

336. Mexican Central Railway Company, Limited, Plff in Error, vs. J. M. Duffie. — This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. A. B. Browne, Mr. Alex. Britton and Mr. Ebeh Richards, of counsel for the plaintiff in error, and Mr. Leigh Clark, of counsel for the defendant in error.

Proclamation being made the Court is adjourned

Monday, April 6th, 1903.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Hoyt it is ordered that William Wilhartz, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederic D. McKenney it is ordered that John G. Palfrey, Esquire, of Boston, State of Massachusetts, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. H. J. Johnson it is ordered that Leon E. Lum, Esquire, of Duluth, State of Minnesota, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles S. Wilson it is ordered that Robert B. Kilgore, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. D. Duncan it is ordered that Theodore Mack, Esquire, of Fort Worth, State of Texas, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

190. Southern Pacific Railroad Company et al., Appellants, vs. The United States. Appeal from the United States Circuit Court of Appeals for the Ninth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel. On consideration whereof, It is now

that the decree of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the Southern District of California.

Per Mr. Justice Holmes.

(Mr. Justice Brewer and Mr. Justice Day took no part in the decision of this case.)

1903.

The San Diego Land and Town Company,
Appellant,
vs.
James A. Jasper et al., members of and constituting The Board of Supervisors of The County of San Diego, California, et al.

Appeal from the Circuit Court of the United States for the Southern District of California.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of California, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, affirmed, with costs.

Per Mr. Justice Holmes.

575. The United States, Appellant, vs. The Spanish Smack Paquete Habana, Justa Gulbano et al., Claimants. Appeal from the District Court of the United States for the Southern District of Florida.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of Florida, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby reversed. And that this cause be, and the same is hereby remanded to the said District Court for further proceedings in accordance with the opinion of this Court.

Per Mr. Justice Holmes

576. The United States, Appellant, vs. The Spanish Schooner "Lola", Severo Gonzalez, Claimant. Appeal from the District Court of the United States for the Southern District of Florida.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of Florida, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said District Court

and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in accordance with the opinion of this Court.

Per Mr. Justice Holmes.

580. The United States, Appellant, vs. The Fishing Smack "Poder de Dios", Julian Pengoechea et al., Claimants. Appeal from the District Court of the United States for the Southern District of Florida.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of Florida, and was argued by counsel. On consideration whereof, it is now here ordered, adjudged and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in accordance with the opinion of this Court.

Per Mr. Justice Holmes.

581. The United States, Appellant, vs. The Fishing Smack "Antonio y Paco", Angel Lopez et al., Claimants. Appeal from the District Court of the United States for the Southern District of Florida.

This cause came on to be heard on the transcript

States for the Southern District of Florida, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in accordance with the opinion of this Court.

Per Mr. Justice Holmes.

582. The United States, Appellant, vs. The Fishing Smack "Engracia", Francisco Gonzales et al., Claimants. Appeal from the District Court of the United States for the Southern District of Florida.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of Florida, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in accordance with the opinion of this Court.

Per Mr. Justice Holmes.

583. The United States, Appellant, vs. The Fishing Smack "Severito", Domingo Rocha et al, Claimants. Appeal from the District Court of the United States for the Southern District of Florida.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of Florida, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in accordance with the opinion of this Court.

Per Mr. Justice Holmes.

584. The United States, Appellant, vs. The Fishing Smack "Antonio Suarez", Vilar, Serra & Company, Claimants. Appeal from the District Court of the United States for the Southern District of Florida.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of Florida, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said

hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in accordance with the opinion of this Court.

Per Mr. Justice Holmes

385. The United States, Appellant, vs. The Fishing Smack "Fernandito", Domingo Rocha et al, Claimants. Appeal from the District Court of the United States for the Southern District of Florida.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of Florida, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in accordance with the opinion of this Court.

Per Mr. Justice Holmes

386. The United States, Appellant, vs. The Fishing Smack "Oriente", Manuel Canillo, Claimant. Appeal from the District Court of the United States for the Southern District of Florida.

of the record from the District Court of the United States for the Southern District of Florida, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in accordance with the opinion of this Court.

Per Mr. Justice Holmes.

587. The United States, Appellant, vs. The Fishing Smack "Espana", Manuel Deus et al., Claimants. Appeal from the District Court of the United States for the Southern District of Florida.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of Florida, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be and the same is hereby, remanded to the said District Court for further proceedings in accordance with the opinion of this Court.

Per Mr. Justice Holmes.

588. The United States, Appellant, vs. The Fishing Smack "Cuatro de Setiembre", Leonardo Bunuel, Claimant. Appeal from the District Court of the United States for the Southern District of Florida.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of Florida, and was argued by counsel. On consideration whereof, It is now here, ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed. And that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in accordance with the opinion of this Court.

Per Mr. Justice Holmes

559. The United States, Appellant, vs. The Fishing Smack "Santiago Apostol", Cesar De La Torre, Claimant. Appeal from the District Court of the United States for the Southern District of Florida.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of Florida, and was argued by counsel. On consideration,

decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in accordance with the opinion of this Court.

Per Mr. Justice Holmes.

115. Ferdinand F. Favor, Administrator of Harriet M. Zane, deceased, Petitioners, vs. The County of Hamilton, Illinois. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the Southern District of Illinois.

Per Mr. Justice McKenna.

139. The Detroit, Fort Wayne & Belle Isle Railway, Plff in Error, vs. Chase S. Osborn, Commissioner of Railroads. — In Error to the Supreme Court of the State of Michigan.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Michigan, and was argued by counsel; On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed, with costs.

Per Mr. Justice McKenna.

76. Ferdinand N. Shurtleff, Appellant, vs. The United States. — Appeal from the Court of Claims.

This cause came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Peckham.

155. John E. Sexton, Plff in Error vs. The People of the State of California. In Error to the Supreme Court of the State of California.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of California, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed, with costs.

Per Mr. Justice Peckham.

173. George A. Foster, Sheriff of Noble County, Oklahoma Territory, and L. D. Bryan, Treasurer of Noble County, Oklahoma Territory, vs. Appellants, J. J. Pryor, J. J. Pryor & Co., et al. Appeal from the Supreme Court of the Territory of Oklahoma.

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory of Oklahoma, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Peckham.

A. G. Finney, as Receiver; American Savings & Loan Association; W. D. Hale, Receiver, et al., (Plffs in Error,) vs. Mary A. Guy, & Mary A. Guy, as Executrix & sole residuary legatee of Charles V. Guy, deceased. — In Error to the Supreme Court of the State of Wisconsin.

180.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Wisconsin, and was argued by counsel; On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Peckham, Dissenting; Mr. Justice Brewer.

(Mr. Justice McKenna did not hear the argument and took no part in the decision of this case.)

G. H. Thayer, Administrator of the estate of David Whitney, Jr., deceased, et al., vs. A. M. Spaid. — In Error to the Supreme Court of the State of Washington.

207.

This cause came on to be heard on the transcript

of Washington, and was argued by Counsel. On Consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Peckham.

The Texas & Pacific Railway Company		In Error to the United States Circuit Court of Appeals for the Fifth Circuit.
222.	vs. Plff in Error,	
Michael Carlin.		

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with costs; And that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the Northern District of Texas.

Per Mr. Justice Peckham.

Thomas N. Potter,		Appeal from the Supreme Court of the Territory of Oklahoma.
168.	vs. Appellant,	
Mary Hall.		

This cause came on to be heard on the transcript

sitory of Oklahoma, and was argued by Counsel.
On Consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Supreme Court in this cause be, and the same is hereby reversed with costs; And that this Cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings in accordance with the opinion of this Court.

Per Mr. Justice White.

189. The Farmers & Merchants Insurance Company vs. Frank Debney } In Error to the Supreme Court of the State of Nebraska

This Cause came on to be heard on the transcript of the record from the Supreme Court of the State of Nebraska, and was argued by Counsel
On Consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this Cause be, and the same is hereby, affirmed, with costs.

Per Mr. Justice White.

Dissenting:
Mr. Justice Harlan,
Mr. Justice Brewer, and
Mr. Justice Brown.

140. Mariano F. Sena, Appellant, vs. The United States et al, Appeal from the Court of Private Land Claims.

This cause came on to be heard on the transcript of the record from the Court of Private Land Claims, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Court of Private Land Claims in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Brown.

178. George C. Rankin, Receiver of The Keystone National Bank of Erie, Aff'g in Error, vs. The Fidelity Insurance, Trust and Safe Deposit Company. In Error to the United States Circuit Court of Appeals for the Third Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remand-

the Eastern District of Pennsylvania.
Per Mr. Justice Brown.
Dissenting:
Mr. Justice Harlan.

194. Charles J. Glidden Trustee, vs. John A. Harrington, Collector. (Plff. in Error, In Error to the Superior Court of the State of Massachusetts.

This cause came on to be heard on the transcript of the record from the Superior Court of the State of Massachusetts, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Superior Court in this cause be and the same is hereby affirmed with costs.

Per Mr. Justice Brown.

(Mr. Justice White not having heard the argument took no part in the decision of this case.)

191. Samuel Bell, Clerk, vs. The Commonwealth Title Insurance and Trust Company. (Petitioner, On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court

by Counsel. On Consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with Costs; And that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the Eastern District of Pennsylvania.

Per Mr. Justice Brewer.

220. The Fidelity & Deposit Company of Maryland, vs. The L. Buck & Son Lumber Company. On writ & Cross-writ of Certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, on writ and Cross-writ of certiorari, and was argued by Counsel. On Consideration Whereof, It is now here ordered and adjudged by this Court that the judgments of the said United States Circuit Court of Appeals in this cause be, and the same are hereby, affirmed with costs, and interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Florida; And that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the Southern Dis-

384. Ida McClung, Plaintiff in Error, vs. William A. Penny. In Error to the Supreme Court of the Territory of Oklahoma.

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory of Oklahoma, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby dismissed for the want of jurisdiction.

Per Mr. Justice Brewer.

409. Robert L. Hinebrenner, Appellant, vs. Edward C. Forney. Appeal from the Supreme Court of the Territory of Oklahoma.

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory of Oklahoma, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Supreme Court in this cause be, and the same is hereby affirmed with costs.

Per Mr. Justice Brewer.

Dissenting:
Mr. Justice White and
Mr. Justice Peckham.

171. Hiorn Yamataya, Appellant, vs. Thomas M. Fisher, Immigrant and Chinese Inspector. Appeal from the District Court of the United States for the District of Washington.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of Washington, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the order of the said District Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Harlan.

Dissenting:
Mr. Justice Brewer and
Mr. Justice Peckham.

186. The Oregon and California Railroad Company, Appellant, vs. The United States. Appeal from the United States Circuit Court of Appeals for the Ninth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals in this cause be,

cause be, and the same is hereby, remanded to the Circuit Court of the United States for the District of Oregon.

Per Mr. Justice Harlan.

(Mr. Justice Brewer and Mr. Justice McKenna took no part in the decision of this case.)

187. The Oregon & California Railroad Company, Appellant, vs. The United States. Appeal from the United States Circuit Court of Appeals for the Ninth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the District of Oregon.

Per Mr. Justice Harlan.

(Mr. Justice Brewer and Mr. Justice McKenna took no part in the decision of this case.)

161. P. A. Kirwan, as U. S. Surveyor General for the District of Minnesota and Thomas H. Croswell, Appellants, v. Simon J. Murphy, George O. Robinson, Elisha A. Flinn, and Temple E. Dorr. — Appeal from the United States Circuit Court of Appeals for the Eighth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel. On consideration whereof, it is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals and the decree of the Circuit Court of the United States for the District of Minnesota in this cause be, and the same are hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court with a direction to dismiss the bill.

Per Mr. Chief Justice Fuller.

181. John A. Brill and The J. G. Brill Company, Petitioners, v. The Peckham Motor Truck and Wheel Company et al. — On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, reversed with Costs; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the Southern District of New York with a direction to proceed to final hearing in due course; the Court being left at liberty to deal with the preliminary injunction as it otherwise might but for this decree.

Per Mr. Chief Justice Fuller.

209. The State of Tennessee on the relation of L. L. Maloney et al Plffs in Error, vs. Stephen P. Condon P. P. McMillan James Rich and H. C. Alderson. } On Writ of Error to the Supreme Court of the State of Tennessee.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Tennessee, and was argued by Counsel. On Consideration whereof, It is now here ordered and adjudged by this Court that

same is hereby, dismissed without costs to either party.

Per Mr. Chief Justice Fuller.

629. Robert A. Bowman, W. H. Cameron, C. A. McDonald, and Flora B. Cameron, Executors of William Cameron, deceased, Petitioners, v. The German Insurance Company of Freeport, Illinois. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit and of the argument of counsel thereupon had, as well, in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

630. The United States, Petitioner, v. Alfred R. Mullins. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said

633. Welder Given, Petitioner, vs. Times-Republican Printing Company et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit and of the arguments of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

per Mr. Chief Justice Fuller.

398. Antoinette B. Kinney et al., Appellants, vs. The Columbia Savings & Loan Association. On consideration of the motion to advance this cause, It is now here ordered by the Court that said motion be, and the same is hereby, granted, the case to be submitted on under the 32d Rule.

per Mr. Chief Justice Fuller.

In the matter of Herman Trasch, Petitioner. Original. On consideration of the motion for leave to file a petition for a writ of mandamus herein, It is now here ordered by the Court that said motion be, and the same is hereby [illegible]

Ex parte In the matter of Herman Trasch, Petitioner. 17, Original.

On consideration of the petition of Herman Trasch, It is now here ordered by this Court that cause be shown by The Chief Justice and Associate Justices of the Court of Appeals of the District of Columbia before this Court, at the City of Washington, on Monday, October 19th, 1903, at twelve o'clock noon of that day, or as soon thereafter as Counsel can be heard, why a writ of mandamus should not be granted as prayed in said petition.

per Mr. Chief Justice Fuller,

The State of Louisiana, Complainant, vs. The State of Mississippi, 12, Original.

This cause came on to be heard on the demurrer of the defendant to the bill of complaint and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the said demurrer be, and the same is hereby, overruled, and the defendant is granted leave to answer on or before the first day of the next term.

per Mr. Chief Justice Fuller,

The Chief Justice announced that Friday next being Good Friday the Court would adjourn from

Charles B. Kimball et al., Appellants, vs. Chicago Hydraulic Press Brick Company et al. — Mr. E. N. Smalley, of counsel for the appellants, submitted to the consideration of the Court a motion for leave to use the certified copy of the transcript of record filed as an exhibit to the petition for a writ of certiorari, in case No. 623 on the docket for the present term, as part of the return on the writ herein.

Ex parte In the matter of William W. Watts, Petitioner. — On motion of Mr. Bernard Flexner, of counsel for the petitioner, leave is hereby granted to withdraw the certified copy of the transcript of record filed herein as an exhibit to the petitions, and on motion of Mr. William Wilhartz Cowin, hereby granted him to file a printed brief on behalf of interested parties.

15 Original.

Ex parte In the matter of David A. Sachs, Petitioner.

16 Original

George E. Gee, Plff in Error, vs. Henry D. [illegible]

285. — The motion to dismiss in this cause was submitted to the consideration of the Court on the record and printed arguments by

support of the same, and Mr. Thomas G. Frost, in opposition thereto, and leave was granted Counsel for the defendant in error to file an additional brief on or before Thursday next.

355. Almond A. White, Plff in Error, vs. Sidney L. Wright et al. The motion to dismiss in this cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Leon L. Lyon and Mr. J. L. Washburn, in support of the same, and Mr. Orville Rinehart, in opposition thereto, and leave was granted Counsel for the defendant in error to file an additional brief on or before Thursday next.

357. Mary J. Lyon et al., Plffs in Error, vs. Margaret Gombret et al. The motions to dismiss or affirm, in this cause were submitted to the consideration of the Court on the record and a printed argument by Mr. J. A. Broady, in support of the same, and leave was granted Counsel for the plaintiffs in error to file a brief in opposition thereto within one week.

283. Joshua M. Sears, Pltff in Error, vs. The Board of Street Commissioners of the City of Boston. In Error to the Supreme Judicial Court of the State of Massachusetts.

It appearing to the Court that a stipulation of counsel for the respective parties to dismiss the writ of error in this cause has been filed. Therefore, in pursuance of said stipulation, it is now here ordered and adjudged by this Court that the writ of error in this cause be and the same is hereby dismissed with costs.

Per Mr. Chief Justice Fuller.

231. The United States, Pltff in Error, vs. The Denver & Rio Grande Railroad Company. Ordered by the Court that this cause be, and the same is, hereby continued, until the next term, per stipulation of counsel.

627. Robert L. Webb et al., Plffs in Error, vs. The State of Louisiana. It is ordered by the Court that this cause be, and the same is hereby, ~~re~~assigned for argument on Monday, October 19th next, after the cases heretofore assigned for that day.

924. The Texas & Pacific Railway Company, Plff in Error, vs. Abe Schyuet. Plaintiff in error.

The argument of this cause was concluded by Mr. D. D. Duncan, of counsel for the plaintiff in error.

13, Original. Ex parte In the matter of James L. Barton Key, Petitioner.

This case was argued by Mr. Frederic D. McKenney, of counsel for the petitioner and Mr. William C. Prentiss, of counsel for the respondents, and leave was granted counsel for the petitioner to file an additional brief on or before Thursday next.

924. Joseph A. Sawyer et al., Plff in Error, vs. Daniel S. Piper.

The argument of this cause was commenced by Mr. J. A. Sawyer, of counsel for the plaintiffs in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Tuesday, April 7th, 1903.

Pursuant to adjournment the Court met to-day at the Capitol.

Present:

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
Associate Justices.
John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made, the Court is opened.

On motion first made to the Court in this behalf by Mr. S. M. Stockslager it is ordered that Clarence A. Lightner, Esquire, of Detroit, State of Michigan, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. L. S. Bacon it is ordered that Louis N. Sanders, Esquire, of Newark, State of New Jersey, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Holmes Conrad it is ordered that James L. Wolcott, Esquire, of Dover, State of Delaware, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

275. Joseph A. Sawyer et al., Plffs in Error, vs. Daniel S. Piper. The argument of this cause was continued by Mr. J. A. Sawyer, of counsel for the plaintiffs in error, and Mr. Robert Taylor, of counsel for the defendant in error, and concluded by Mr. J. A. Sawyer, of counsel for the plaintiffs in error.

276. Joel H. Lockwood, Petitioner, vs. Exchange Bank of Port Valley et al. This cause was argued by Mr. Stephen W. Parker, of counsel for Lockwood, and Mr. Alvin L. Wimberly, of counsel for Exchange Bank of Port Valley et al.

277. Lillie Winston, Plff in Error, vs. Walker Winston. This cause was argued by Mr. Eugene Sweeney, of counsel for the plaintiff in error, and Mr. Daniel E. Lynch, of counsel for the defendant in error.

919. Eugene C. Gordon, use of Mary G. Roper, vs. Plff in Error. Arthur E. Randle

This cause was argued by Mr. S. Herbert Giggey, of counsel for the plaintiff in error, and Mr. J. J. Darlington, of counsel for the defendant in error.

920. William L. Snyder, Executor &c., vs. Plff in Error. Bernard Bellman, Collector

Reargument of this cause was commenced by Mr. J. E. Bowman, of counsel for the plaintiff in error.

Proclamation being made the Court is adjourned, until to-morrow at twelve o'clock.

Wednesday, April 8th. 1903.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable. Melville W. Fuller, Chief Justice.
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Oliver Wendell Holmes.
Associate Justices

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened;

On motion first made to the Court in this behalf by Mr. James M. Beck it is ordered that Henry C. Lewis, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. A. Henderson it is ordered that E. J. Justice, Esquire, of Greensboro, State of North Carolina, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf

Stewart, Esquire, of Cleveland, State of Ohio be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this case by Mr. Edward Winslow Paige it is ordered that John A. Delahanty, Esquire, of Albany State of New York, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

239. The Schooner Gibara. Habana, and Cargo, Miguel Castell, Master, Appellants; vs. The United States Appeal from the District Court of the United States for the Southern District of Florida.

This cause having been called for hearing in its regular order, and it appearing to the Court that the parties have filed in this cause the transcript of the record, &c. in pursuance of the 16th rule of this Court, now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed.

Per Mr. Chief Justice Fuller

Wednesday, April 8th, 1903. Continued.

240. The Schooner "Espuma" and Cargo, Juan Estrellas, Claimant, vs. Appellant, The United States. Appeal from the District Court of the United States for the Southern District of Florida.

This cause having been called for hearing in its regular order, and it appearing to the Court that the parties have failed to print the transcript of the record, It is, therefore, in pursuance of the tenth rule of this Court, now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed.

Per Mr. Chief Justice Fuller.

230. William L. Snyder, Executor &c., vs. Plff in Error, Bernard Bellman, Collector &c. The argument of this cause was continued by Mr. J. E. Bowman, of counsel for the plaintiff in error, and Mr. Assistant Attorney General Beck, of counsel for the defendant in error, and concluded by Mr. J. E. Bowman, of counsel for the plaintiff in error.

232. Southern Railway Co., vs. Plff in Error, (J. H. Allison.) The argument of this cause was commenced by Mr. W. A. Henderson, of counsel for the plaintiff in error, continued by Mr. E. J. Justice, of counsel for the defendant in error, and

plaintiff in error.)

2311. The Onondaga Nation et al., Pltffs in Error, vs. John Boyd Thacher, (Defendant in error.)

The argument of this cause was commenced by Mr. Edward Winslow Paige, of counsel for the plaintiffs in error.)

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Thursday, April 9th, 1903.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
Associate Justices.

John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Thomas D. Rambaut it is ordered that Waldo G. Morse, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Philip Walker it is ordered that Edward J. Connolly, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by

A. Baker, Esquire, of Cleveland, State of Ohio, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in his behalf by Mr. John H. Mitchell it is ordered that Phelps Montgomery, Esquire, of New Haven State of Connecticut, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

198. The United States, vs. The Mission Rock Co. (Plff's in Error,) On motion of Mr. A.B. Browne, leave is hereby granted Counsel for the defendant in error to file a supplemental brief in this Cause

234. The Onondaga Nation et al., vs. John Boyd Thacher. (Plff's in Error,) The argument of this Cause was continued by Mr. Edward Winslow Paige, of Counsel for the plaintiffs in error, and Mr. John A. Delahanty, of Counsel for the defendant in error, and concluded by Mr. Edward Winslow Paige, of Counsel for the plaintiffs in error.

147. Mary Phelps Montgomery, Executrix &c, vs. The City of Portland et al. } In Error, } This cause was argued by Mr. John H. Whitelaw, of Counsel for the plaintiff in error, and Mr. Thomas D. Rambaut and Mr. C. E. S. Wood, of Counsel for the defendants in error.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. F. C. B. Sands it is ordered that James C. Bergen, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George E. Dalles it is ordered that Nicholas P. Rodgers, Esquire, of St. Louis, State of Missouri, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf

Sullivan, Esquire, of Richmond, State of Kentucky, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James E. Shepherd it is ordered that James A. Merrimon, Esquire, of Asheville, State of North Carolina, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Ridout it is ordered that Elbert B. Hamlin, Esquire, of New York City, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Mason N. Richardson it is ordered that William H. Richards, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

198. The United States, Plff in Error, vs. The Mission Rock Co. In Error to the United States Circuit Court of Appeals for the Ninth Circuit.

This cause came on to be heard on the transcript

of Appeals for the Ninth Circuit, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed, and that this cause be, and the same is hereby remanded to the Circuit Court of the United States for the Northern District of California.

Per Mr. Justice McKenna.

Dissenting:
Mr. Justice Harlan.
(Mr. Justice Brown concurs in the result.)

67. The Union & Planters' Bank of Memphis, Tennessee, Appellant, vs. The City of Memphis and John H. Allsup, Trustee. Appeal from the Circuit Court of the United States for the Western District of Tennessee.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western District of Tennessee, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Fuller.

991. The Union and Planters' Bank of Memphis Tennessee, Appellant, v. The City of Memphis. } Appeal from the United States Circuit Court of Appeals for the Sixth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals in this cause be, and the same is hereby reversed at the costs of the appellant; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals with a direction to dismiss the appeal and writ of error.

Per Mr. Chief Justice Fuller.

336. Mexican Central Railway Company, Limited, Plaintiff in Error, v. J. M. Duthie. } In Error to the Circuit Court of the United States for the Western District of Texas.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western District of Texas, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court

with costs, and interest, until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Texas.

Per Mr. Chief Justice Fuller.

664. Charles B. Kimball et al., Appellants, vs. Chicago Hydraulic Press Brick Company et al. On consideration of the motion of counsel for the appellants for leave to use the certified copy of the transcript of record filed as an exhibit to the petition for a writ of certiorari, in case No. 623 on the docket for the present term as part of the return on the appeal herein, It is now here ordered by the Court that said motion be, and the same is, hereby granted.

Per Mr. Chief Justice Fuller.

285. George E. Lee vs. Henry D. Lee. It is ordered by the Court that the further consideration of the motion to dismiss in this cause be, and the same is hereby postponed until the hearing of the cause on the merits.

Per Mr. Chief Justice Fuller.

Monday, April 13th, 1903, Continued.

227. Lillie Winston, Walker Winston vs. Affin in Error, In Error to the Supreme Court of the State of New York.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of New York, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Fuller.

535. Almond A. White vs. Affin in Error, Sidney L. Wright and Cass Land Company, In Error to the Supreme Court of the State of Minnesota.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Minnesota, and on a motion to dismiss, which was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

11, Original. The United States, Complainant, vs. The State of Michigan, } Mr. Solicitor General Hoyt, of counsel for the Complainant, submitted to the consideration of the Court a motion to fix a day for the argument of the demurrer herein.

969 Frederick A. Schulle et al Plffs in Error, vs. August Heman, } The motion to continue this cause until the next term was submitted to the consideration of the Court by Mr. W. B. Thompson, in support of the same, and Mr. Nicholas P. Rodgers, in opposition thereto.

663. Ralph Moore, by next friend John Moore, Petitioner, vs. Southern Railway Co., } The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Henry H. Ingersoll, in support of the same, and Mr. W. A. Henderson and Mr. Leon Jourdan, in opposition thereto.

661. Whitaker Wright, Appellant, vs. William Mendel, U. S. Marshal, &c. } On motion of Mr. Louis Marshall, of counsel for the appellant, it is ordered by the Court

and the same is hereby, advanced and assigned for argument on Monday the 20th instant.

1014. The German Savings & Loan Society, Affg in Error, vs. Dora May Dormitzer et al. The motions to dismiss or affirm, in this cause were submitted to the consideration of the Court on the record and printed arguments by Mr. Robert A. Howard and Mr. William W. Murray, in support of the same, and Mr. E. C. Hughes, in opposition thereto.

974. John Lawrence, Francis Peabody Jr. and Reginald Foster, Trustees under the will of Abbott Lawrence, deceased, Affts in Error, vs. The Board of Street Commissioners of the City of Boston. In Error to the Supreme Judicial Court of the State of Massachusetts.

It appearing to the Court that a stipulation of Counsel for the respective parties to dismiss the writ of error in this cause has been filed, Therefore, in pursuance of said stipulation, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Fuller.

The Interstate Commerce Commission, Appellant,
214. vs.
The Louisville & Nashville Railroad Co. et al.

This cause was argued by Mr. L. A. Shaver, of counsel for the appellant and Mr. St. Baxter, of counsel for the appellees.

The State of South Dakota, Complainant,
J. Original. vs.
The State of North Carolina et al.

The argument of this cause was commenced by Mr. Wheeler H. Peckham, of counsel for the complainant.

Proclamation being made, Court is adjourned until tomorrow at twelve o'clock.

Tuesday, April 14th, 1903.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice
John M. Harlan,
David J. Brewer
Henry B. Brown, Associate
Edward D. White, Justices
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes.

John M. Wright, Esquire, Marshal.,
James H. McKenney, Clerk.

Proclamation being made the Court is opened.,

On motion first made to the Court in this behalf by Mr. W. W. Dodge it is ordered that William R. Bagley, Esquire, of Madison, State of Wisconsin be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William G. Johnson it is ordered that, Edward D. Reilly, Esquire, of Lancaster, State of Pennsylvania, be admitted to practice as an attorney and Counsellor of this Court and, he was sworn accordingly.

242. Frederieka D. Schulte et al, vs. Riffs in Error, August Henan.

On consideration of the motion to continue this cause until the next term, and of the argument of counsel pro, well in support of & against the same, It is now here ordered by the Court that said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

11, Original. The United States, Complainant, vs. The State of Michigan.

On consideration of the motion for, & day for the argument of the demurrer herein, It is now here ordered by the Court that said hearing be, and the same is hereby assigned for argument on Monday, the 20th instant, after Nos. 15 and 16 Original.

Per Mr. Chief Justice Fuller.

4, Original. The State of South Dakota, Complainant, vs. The State of North Carolina et al.

The argument of this cause, was continued by Mr. Wheeler

A. Peckham, of counsel for the complainant, Mr. George Rountree, for the State of North Carolina, Mr. D. L. Russell, for Charles Sallee, one of the defendants, and Mr. James E. Shepherd, for the State of North Carolina.

Proclamation being made the Court is adjourned, un-

Wednesday, April 15th, 1903

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes, Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr. James A. Halloran it is ordered that George Fred Williams, Esquire, of Boston, State of Massachusetts, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wheeler H. Peckham it is ordered that Stillwell H. Russell, Esquire, of Ardmore, Indian Territory, and Jacob C. Roberts, Esquire, of Kingfisher, Oklahoma Territory, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas H. Carr it is ordered that Edwin Robt Walker, Esquire, of Trenton, State of New Jersey, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles F. Cerussi it is ordered that Walter H. A. Rosenbaum, Esquire, of New York City, State of New York, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James R. Garfield it is ordered that Harry A. Garfield, Esquire, of Cleveland, State of Ohio, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

The State of South Dakota, Complainant, v. The State of North Carolina et al. Defendants. No. Original.

The argument of this cause was continued by Mr. James E. Shepherd, of counsel for the State of North Carolina, and concluded by Mr. Wheeler H. Peckham, of counsel for the complainant.

Wednesday, April 15th, 1903, Continued.

The United States,
235. vs. Appellant;
Peter W. Barnett.

These cases were argued by Mr. George A. King, of counsel for the appellees, and submitted on a printed argument by Mr. Assistant Attorney General Pratt and Mr. Franklin W. Collins, of counsel for the appellant.

The United States,
236. vs. Appellant;
John C. Stuart.

The Second National Bank of Richmond, Kentucky,
237. vs. Plff in Error,
C. N. Fitzpatrick et al.

This cause was argued by Mr. J. A. Sullivan, of counsel for the plaintiff in error.

No counsel appeared for the defendants in error.

Jefferson B. Conley,
238. vs. Plff in Error,
The Mathieson Alkali Works.

The argument of this cause was commenced by Mr. H. H. Mudd, of counsel for the plaintiff in error, and continued by Mr. Alfred Ely, of counsel for the defendant in error.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Thursday, April 16th, 1903.

Pursuant to adjournment the Court met, to-day at the Capitol.

Present:

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
Associate Justices.

John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Henry B. Harris it is ordered that Frederick L. Ney, Esquire, of Defiance, State of Ohio, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

No. 250. The United States ex rel. Henry S. Phillips, Plff in Error, vs. A. Clay Evans, Commissioner of Pensions. And

No. 312. The United States ex rel. Henry S. Phillips, Plff in Error, vs. Thos. A. Hitchcock, Secretary of the Interior,

Wm. A. C. Campbell in behalf of counsel, suggested the retirement from office of A. Clay Evans

pointment of Eugene F. Ware as his successor as Commissioner of Pensions, and moved the Court to make the said Eugene F. Ware, as such Commissioner, the party defendant in error in Cases Nos. 249 and 250, and a party defendant in error in Cases Nos. 251 and 322. Whereupon, It is now here ordered by the Court that the said Eugene F. Ware, Commissioner of Pensions, be, and he is hereby, made the party defendant in error in Cases Nos. 249 and 250 and a party defendant in error in Cases Nos. 251 and 322.

322. The United States ex rel. Henry D. Phillips, vs. Writ in Error, E. A. Hitchcock, Secretary of the Interior, et al.

On motion of Mr. A. C. Walker, in behalf of counsel, It is ordered by the Court that this cause be, and the same is hereby, advanced for hearing with Cases Nos. 249, 250, and 251.

249 & 250. The United States ex rel. Henry D. Phillips, vs. Writ in Error, Eugene F. Ware, Commissioner of Pensions. And

251 & 322. The United States ex rel. Henry D. Phillips, vs. Writ in Error, Ethan A. Hitchcock, Secretary of the Interior, et al.

The cases were submitted to the consideration of the Court on the records and printed arguments by Mr. Henry D.

Mr. Edwin Robert Walker, of counsel for the plaintiff in error, and Mr. Assistant Attorney General Campbell and Mr. A. C. Campbell, of counsel for the defendants in error.

238. Jefferson B. Conley, Plff in Error, vs. The Mathieson Alkali Works. The argument of this cause was concluded by Mr. Alfred Ely, of counsel for the defendant in error.

241. Globe Refining Company, Plff in Error, vs. The Landa Cotton Oil Co. This cause was submitted to the consideration of the Court on the record and a printed argument by Mr. C. W. Ogden, of counsel for the plaintiff in error. No counsel appeared for the defendant in error.

242. Frederieka D. Schultz et al., Plff in Error, vs. August Neiman. This cause was argued by Mr. Fiedrich F. Rodgers, of counsel for the defendant in error, and was submitted on a printed argument by Mr. William B. Thompson, of counsel for the plaintiffs in error.

244. Horace B. Dunbar, Plff in Error, vs. The argument of this cause was commenced

Hamilton Lewis, of Counsel for the plaintiff in error, Continued by Mr. Frank H. Stewart, of Counsel for the defendant in error, and Concluded by Mr. George Fred. Williams, of Counsel for the plaintiff in error.

246. Thomas P. Queenan, Plff in Error, vs. The Territory of Oklahoma. The argument of this Cause was Commenced by Mr. Stillwell H. Russell, of Counsel for the plaintiff in error, and Continued by Mr. J. C. Robberts, of Counsel for the defendant in error.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Friday, April 17th 1903.

Pursuant to adjournment the Court met today at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court was opened.

On motion first made to the Court in this behalf by Mr. George F. Hoar it is ordered that Thomas F. Sherman, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur G. Moseley it is ordered that Louis B. Oppenheim, Esquire, of Denison, State of Texas, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in his behalf by Mr. Clarence Smith, it is ordered that Hunter M. Merriweather, Esquire, of Kansas City, State of Missouri, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Ex parte In the matter of
H. S. Johns,
Petitioner.

In Original.

Mr. Solicitor General Hoyt submitted to the consideration of the Court a motion to change the return day of the rule to show cause issued herein.

631. John R. Clarke,
vs.
The Town of Northampton.

Petitioner,

The petition for a writ of certiorari, herein was submitted to the consideration of the Court on printed arguments by Mr. John M. Thurston, Mr. Fayette B. Tiffany, and Mr. Henry J. Cookinham, in support of the same, and Mr. Fred Simus Carroll and Mr. Andrew J. Nellis, in opposition thereto.

532. John Lawrence O'Brien,
vs.
John A. Shine, United States Marshal for the Northern District of California,

Appellant,

Appeal from the Circuit Court of the United States for the Northern District of California.

of the Court by Mr. John M. Thurston, of counsel, for the appellant, and he having moved the Court to dismiss this appeal, Therefore, in pursuance of said motion, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Fuller.

214. The Interstate Commerce Commission, Appellant, vs. The Louisville & Nashville Railroad Co. et al. On motion of Mr. L. A. Shaver, of counsel for the appellant, leave is hereby granted him to file a supplemental brief in this cause.

260. V. Van Buren, Plff in Error, vs. Margaret Mc. McKinley. In Error to the Supreme Court of the State of Iowa.

This cause having been called for hearing in its regular order, and it appearing to the Court that the parties have failed to print the transcript of the record, It is, therefore, in pursuance of the tenth rule of this Court, ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Fuller.

246. Thomas P. Queenan, Plaintiff in Error, vs. The Territory of Oklahoma. The argument of this cause was continued by Mr. J. C. Robberts, of Counsel for the defendant in error, and concluded by Mr. Stillwell. A. Russell, of Counsel for the plaintiff in error. Leave was granted Counsel for the defendant in error to file an additional Brief within ten days and to Counsel for the plaintiff in error to file a reply thereto within five days thereafter.

247. The Board of Commissioners of Mexico County et al., Petitioners, vs. H. N. Coler & Company. The argument of this cause, was commenced by Mr. A. C. Avery, of Counsel for the petitioners, and Continued by Mr. John F. Dillon, of Counsel for the respondents.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday, April 20th, 1903.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Hoyt it is ordered that Homer Metzger and S. S. Richards, Esquires, of Clyde, State of Ohio; Roland Gray and Wellington Wells, Esquires, of Boston, State of Massachusetts, Edwin A. S. Lewis, Esquire, of Hoboken, State of New Jersey, George H. Hesler, Esquire, of New Albany, State of Indiana, and David Monroe Hilton, Esquire, of Chicago, State of Illinois, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf, by Mr. John F. Dillon it is ordered that J. H. Mid

be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry Newbegin it is ordered that Robert W. Bingham, Esquire, of Louisville, State of Kentucky, be admitted to practice as an attorney, and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. S. A. Putman it is ordered that Josiah P. Settle, Esquire, of Memphis, State of Tennessee, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Adolph G. Wolff it is ordered that Meyer Cohen, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. G. Moseley it is ordered that Amos L. Beaty, Esquire, of Sherman, State of Texas, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf, by Mr. M. D. O'Connell it is ordered that Stiles Judson, Jr., Esquire, of Bridgeport, State of Connecticut, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. L. S. Bacon it is ordered that Florence King, ——— of Chicago, State of Illinois, be, admitted to practice as an attorney and counsellor of this Court and she was sworn accordingly.

224. The Texas & Pacific Railway Company, Plff in Error, vs. Abe Bellyneu, Deft in Error. } In Error to the United States Circuit Court of Appeals for the Fifth Circuit

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals in this cause be, and the same is hereby affirmed with costs; and that this cause be, and the same is hereby remanded to the Circuit Court of the United States for the Eastern District of Texas

Ex parte In the Matter of U. S. Joins, Petitioners. On consideration of the motion to change the return day of the rule to show cause issued herein, It is now here ordered by the Court that said motion be, and the same is hereby, denied.

(per Mr. Chief Justice Fuller.)

14, Original.

631. John R. Clarke, vs. The Town of Northampton, Petitioner. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

(per Mr. Chief Justice Fuller.)

663. Ralph Moore, by next friend, John Moore, vs. Southern Railway Company, Petitioner. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, as well in

support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

276. Joel H. Lockwood, Petitioner, vs. Exchange Band of Fort Valley et al.

It is ordered by the Court that a writ of certiorari to bring up the whole record, and cause issue to the United States Circuit Court of Appeals for the Fifth Circuit, and that thereupon the case be taken as submitted on the briefs already filed and argument had.

Per Mr. Chief Justice Fuller.

242. Frederika D. Schulte and Frederick W. Schulte, her husband, Plffs in Error, vs. August Neman.

In Error to the Supreme Court of the State of Missouri.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Missouri, and was argued by counsel. On consideration whereof, It is now here ordered, and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Fuller.

Monday, April 20th, 1903, Continued.

249. The United States ex rel. Henry D. Phillips, v. Plff in Error, Eugene F. Ware, Commissioner of Pensions. In Error to the Court of Appeals of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the District of Columbia, and was argued by counsel; On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

250. The United States ex rel. Henry D. Phillips, v. Plff in Error, Eugene F. Ware, Commissioner of Pensions. In Error to the Court of Appeals of the District of Columbia,

This cause came on to be heard on the transcript of the record from the Court of Appeals of the District of Columbia, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed, for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

Monday, April 20th, 1903. Continued.

251. The United States ex rel. Henry D. Phillips, vs. Ethan A. Hitchcock, Secretary of the Interior, and Eugene F. Ware, Commissioner of Pensions. Plff in Error. In Error to the Court of Appeals of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the District of Columbia, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

322. The United States ex rel. Henry D. Phillips, vs. Ethan A. Hitchcock, Secretary of the Interior, and Eugene F. Ware, Commissioner of Pensions. Plff in Error. In Error to the Court of Appeals of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the District of Columbia, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

357. Mary L. Lyon, George Lyon Jr., and Clara J. Hartz, vs. Pltffs in Error, Margaret Gombert, Eliza, Fadely, Catherine Miller et al. In Error to the Supreme Court of the State of Nebraska.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Nebraska, and on motions to dismiss or affirm which were argued by Counsel. On consideration whereof, It is now here ordered and adjudged, by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

652. A. Bauendahl & Co., vs. Petitioners, Jacob S. Bernheimer & Bro. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Adolph L. Wolff in support of the same, and Mr. Max J. Kohler, in opposition thereto.

672. The Steamship "Ely" The Cardiff Steamship Co. Limited, vs. Petitioner, William B. Bowring et al. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. J. Parker Kirlin

and Mr. Wilhelmus Mynderse, in opposition thereto.

666. August A. Busch et al., Appellants, vs. G. P. Webb et al., The motion to extend the restraining order in this cause was submitted to the consideration of the Court on the record and printed arguments by Mr. A. G. Mosley and Mr. Louis B. Eppstein, in support of the same, and Mr. Amos L. Beaty, in opposition thereto.

489. The Underground Railroad of the City of New York et al., Appellants, vs. The City of New York et al. The motion that this cause be taken as submitted was submitted to the consideration of the Court by Mr. Roger Foster in support of the same, and Mr. George L. Rives, Mr. George W. Wickersham, Mr. DeLancey Nicoll, and Mr. Edward M. Shepard, in opposition thereto.

Ex parte Archie Miller of The Goodyear Shoe Machinery Company, Petitioner. Mr. Edwards H. Childs, of counsel, for the petitioner, submitted to the consideration of the Court a motion for leave to file a petition for writs of prohibition and mandamus, and leave was granted Mr. Roger Foster to file a brief in opposition thereto on or before,

thereto on or before Monday next.

669. S. Warren Lamson et al., Petitioners, vs. Charles F. Hutchings, Executor. The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. David Monroe Hoffe, Hilton and Mr. William A. Burnum, in support of the same.

611. The New York, New Haven & Hartford Railroad Co., vs. Jeffie Emor, (Patrick McKeon.) The motions to dismiss or affirm in this cause were submitted to the consideration of the Court on the record and printed arguments by Mr. Stiles Judson, Jr., in support of the same, and Mr. Arthur M. Marsh, in opposition thereto.

280. The Peoples National Bank of Lynchburg, Va., vs. Morton Marye, Auditor &c. Appellant, Ordered by the Court that this cause be, and the same is hereby, continued until the next term, per stipulation of counsel.

247. The Board of Commissioners of Wilkes County et al., vs. N. N. Coler & Company, Petitioners, The argument of this cause was continued by Mr. John F. Dillon,

respondents, and concluded by Mr. A. C. Avery, of counsel for the petitioners

Ex parte In the matter of William W. Wells, Petitioner. } The argument of these cases was commenced by Mr. D. W. Tarbell, of counsel for the petitioners, continued by Mr. George A. Hoster, by special leave for interested parties, and Mr. Solicitor General Hoyt, of counsel for the respondents, and concluded by Mr. William H. H. Miller, of counsel for the petitioners

5, Original.

Ex parte In the matter of David A. Sachs, Petitioner.

6, Original.

The United States, Complainant, vs. The State of Michigan. } The argument on the demurrer filed herein was commenced by Mr Horace M. Oren, of counsel for the defendant

11, Original.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock

Tuesday, April 7th 1903.

Pursuant to adjournment the Court met today at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes.
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Henry May it is ordered that Alfred J. Carr, Esquire, of Baltimore, State of Maryland, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John T. Dillon it is ordered that Walter W. Middlecoff, Esquire, of Stockton, State of California, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

11, Original. The United States, Complainant, vs. The State of Michigan, Defendant. The argument on the demurrer herein was continued by Mr. Horace M. Oren, of counsel for the defendant, and Mr. M. C. Burch, of counsel for the complainant, and concluded by Mr. Horace M. Oren, of counsel for the defendant.

256. The Western Union Telegraph Co., Plff in Error, vs. The State of Missouri ex rel. Christian Gollieb, Collector. The argument of this cause, was commenced by Mr. Clarence Smith, of counsel for the plaintiff in error, continued by Mr. A. M. Merriweather, of counsel for the defendant in error, and concluded by Mr. John F. Dillon, of counsel for the plaintiff in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Wednesday, April 22d. 1903.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes. } Associate Justices.

John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. M. D. O'Connell it is ordered that Thomas D. Healy, Esquire, of Fort Dodge, State of Iowa, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. F. Trabue it is ordered that Benjamin F. Washer, Esquire, of Louisville, State of Kentucky, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Wednesday, April 2d, 1902 Continued.

257. The Defiance Water Co., Appellant, vs. The City of Defiance et al. The argument of this cause was commenced by Mr. Henry Newbegin, of counsel for the appellant, continued by Mr. Henry D. Harris and Mr. Fred L. Hay, of counsel for the appellees, and concluded by Mr. Robert Newbegin, of counsel for the appellant.

258. The Swan and Finch Co., Appellant, vs. The United States. The argument of this cause was commenced by Mr. William D. King, of counsel for the appellant.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Thursday, April 23d, 1903.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
Associate Justices.

John N. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. John T. Dye it is ordered that Henry C. Morris, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Miller Kenyon it is ordered that John H. Voorhees, Esquire, of Sioux Falls, State of South Dakota, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. J. D. Cross it is ordered that John Walter Lord, Esquire, of Baltimore, State of Maryland, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William L. Johnson it is ordered that Claude L. Stephenson, Esquire, of Washington, District of Columbia, and Nathan C. Miller, Esquire, of Denver, State of Colorado, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

270. James P. Witherow, Appellant, vs. Carnegie Steel Company, Limited. Appeal from the Circuit Court of the United States for the Southern District of New York.

This cause having been called for hearing in its regular order, and it appearing to the Court that the parties have failed to print the transcript of the record, it is, therefore, in pursuance of the tenth rule of this Court, now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed with costs.

per Mr. Chief Justice Fuller.

258. The Swan and Finch Co., Appellant, vs. The United States. The argument of this cause was continued by Mr. William B. King, of counsel for the appellant, and Mr. Assistant Attorney General Pradt, of counsel for the appellee, and concluded by Mr. William B. King, of counsel for the appellant.

259. The Republic of Colombia, Appellant, vs. The Caucal Company et al. The argument of this cause was commenced by Mr. William G. Johnson, of counsel for the appellant, and continued by Mr. John W. Beaumont, of counsel for the appellees.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Friday, April 24th, 1903.

Pursuant to adjournment the Court met to-day at the Capitol.

Present:

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. W. A. Henderson it is ordered that Clifford L. Anderson, Esquire, of Atlanta, State of Georgia, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William G. Johnson it is ordered that John O'Neill, Esquire, of Waterbury, State of Connecticut, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

531. John Lawrence O'Brien, Appellant, vs. John H. Shine, U.S. Marshal &c. On motion of Mr. D.W. Baker, leave is hereby granted the Clerk to issue the mandate in this cause.

271. J.T. Hardeman et al, Plffs in Error, vs. Katie Turner et al, The death of Katie Turner, one of the defendants in error, having been suggested by counsel for the plaintiffs in error, it is now here ordered by the Court that this cause be, and the same is hereby, continued until the next term.

272. Randolph & Randolph, Appellants vs. J.W. Scruggs, Trustee. This cause was submitted to the consideration of the Court on the record and a printed argument by Mr. William M. Randolph and Mr. Wassell Randolph, of counsel for the appellants. No counsel appeared for the appellee.

762. The Cleveland, Cincinnati, Chicago & St. Louis Railway Co., Plff in Error, vs. The Village of Clyde, Ohio. In Error to the Supreme Court of the State of Ohio.

It appearing to the Court that an authority of counsel for the plaintiff in error to dismiss the

writ of error in this cause has been filed. Therefore in pursuance of said authority, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Fuller.

257. The Republic of Columbia, Appellant, vs. The Cauca Company et al. The argument of this cause was continued by Mr. John W. Beaman and Mr. John K. Cowen, of counsel for the appellees, and concluded by Mr. William G. Johnson, of counsel for the appellant.

261. Danforth Geer et al., Appellants, vs. The Mathieson Alkali Works et al. This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. W. H. Maefarland, of counsel for the appellants, and Mr. Alfred Ely, of counsel for the appellees.

263. Mutual Reserve Fund Life Association, Appellant vs. James S. Phelps et al. The argument of this cause was commenced by Mr. William D. Guthrie, of counsel for the appellant, and continued by Mr. B. F. Washburn, of counsel for the appellees.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday, April 27th, 1903.

Pursuant to adjournment the Court met to-day at the Capitol.

Present:

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
Associate Justices

John M. Wright, Esquire, Marshal
James A. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. H. B. Stratton it is ordered that C. W. Corliss, Esquire, of Seattle, State of Washington, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederic D. McKenney it is ordered that Freedom Hutchinson, Esquire, of Boston, State of Massachusetts, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf, by Mr. Leon Tobriner it is ordered that S. Cammon Hinkle and Robert H. Ingersoll, Esquires, of Atlantic City, State of New Jersey, be admitted to practice as attorneys and Counsellors of this Court and that they be sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. K. Taylor it is ordered that John Prentiss Bruns, Esquire, of Baltimore, State of Maryland, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

236. The United States, Appellant, vs. John C. Sweet, } Appeal from the Court of Claims.

This cause came on to be heard on the transcript of the record from the Court of Claims, and was argued by Counsel. On consideration whereof, it is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause be, and the same is hereby reversed; and that this cause be, and the same is hereby remanded to the said Court of Claims with directions to dismiss the claimants petition.

Per Mr. Justice Holmes.

235. The United States, Appellant, vs. Peter N. Barnell. Appeal from the Court of Claims.

This cause came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Court of Claims, with directions to dismiss the claimant's petition.

Per Mr. Justice Holmes.

473. Jackson W. Giles, Appellant, vs. E. Jeff Harris, William A. Gunter, and Charles B. Teasley, as, The Board of Registrars of Montgomery County, Alabama. Appeal from the Circuit Court of the United States for the Middle District of Alabama.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Middle District of Alabama, and was argued by counsel. On consideration whereof, it is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby,

206. The Chattanooga National Building & Loan Association, Petitioner, v. William H. Denson and Rosa E. Denson. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the Northern District of Alabama.

Per Mr. Justice McKenna.

Dissenting:
Mr. Justice Harlan.

229. Eugene C. Gordon, for the use of Mary G. Rogers, v. Riff in Error, Arthur E. Randle. In Error to the Court of Appeals of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the District of Columbia, and was argued by counsel. On consideration whereof, It is now here,

order of the said Court of Appeals in this cause be, and the same is hereby affirmed with costs.

(Per Mr. Justice McKenna.)

234. The Onondaga Nation; Ga-his-ta; Sayhaque; Hos-hay-qua, et al. vs. Plffs in Error, John Boyd Thacher. — In Error to the Supreme Court of the State of New York.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of New York, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

(Per Mr. Justice White.)

171. Clinton B. Wiser, C. M. Field, John A. Kerr et al., vs. Appellants, John Lawler, Ed. W. Wells, Seven Stars Gold Mining Co., et al. — Appeal from the Supreme Court of the Territory of Arizona.

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory of Arizona, and was argued by Counsel. On consideration whereof, It is now here order-

decree of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Brown.

225. Joseph A. Sawyer and Nellie A. Sawyer, Plffs in Error, vs. Daniel S. Piper. In Error to the Supreme Court of the State of Minnesota.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Minnesota, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Justice Brown.

13, Original. Ex parte In the matter of James S. Barton Key, Petitioner.

This cause came on to be heard on the petition for a writ of mandamus and the return to the rule to show cause issued herein, and was argued by counsel. On consideration whereof, It is now here ordered by the Court that said rule be discharged and that said petition be, and the same is hereby, dismissed.

Per Mr. Chief Justice Fuller.

516. Harry J. Jaquith, Trustee, v. G. Edwin Alden. Appellant, Appeal from the United States Circuit Court of Appeals for the First Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the First Circuit, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with costs; And that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Massachusetts.

(Per Mr. Chief Justice Fuller.)

Dissenting:
Mr. Justice White and
Mr. Justice McKenna.

The Chief Justice announced that the call of the docket will be suspended on Friday, May 1, and that the Court will adjourn for the term on Monday June 1st, next.

189. The Underground Railroad Company of the City of New York et al., Appellants, v. On consideration of the motion that this cause be taken as submitted,

ordered by the Court that said motion be and the same is hereby denied.

per Mr. Chief Justice Fuller.

666. August A. Busch et al., Appellants, vs. L. P. Webb et al. On consideration of the motion to extend the restraining order in this case, and of the argument of Counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said motion be, and the same is hereby, denied.

per Mr. Chief Justice Fuller.

652. N. Dauendahl & Company, Petitioner, vs. Jacob S. Bernheimer & Brother. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of Counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

per Mr. Chief Justice Fuller.

669. S. Warren Lamson and Lorenzo J. Lamson, Petitioners, v. Charles T. Hutchings, Executor of the last will & testament of George Fowler, deceased, — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel in support of the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

672. The Steamship "Ely", The Cardiff Steamship Company, Limited, Claimant, Petitioner, v. William B. Bowring et al. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

237. The Second National Bank of Richmond, Kentucky, Plff in Error, vs. C. N. Fitzpatrick and W. C. Fitzpatrick. In Error to the Court of Appeals of the State of Kentucky.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the State of Kentucky, and was argued by Counsel, On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

61. The New York, New Haven & Hartford Railroad Company, Plff in Error, vs. Patrick McKeon. In Error to the Court of Common Pleas of Fairfield County, State of Connecticut.

This cause came on to be heard on the transcript of the record from the Court of Common Pleas of Fairfield County, State of Connecticut, and on motions to dismiss or affirm which were argued by Counsel. On consideration whereof it is now here ordered and adjudged by this Court that the judgment of the said Court of Common Pleas in this cause be, and the same, is hereby, affirmed with Costs, and interest until paid, at the same rate per annum that sim-

of Connecticut.

Per Mr. Chief Justice Fuller.

307. William R. Warner, Jr., Executor &c., Appellant; vs. The Searle & Hereth Co., et al. The motion to dismiss in this cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Philip C. Dyrenforth, in support of the same, and Mr. Frank P. Brown and Mr. Samuel E. Darby, in opposition thereto.

656. Hippolite Filhiol et al., vs. Plffs in Error, George K. Torney. Mr. J. N. McGowan, of Counsel for the plaintiffs in error, submitted to the consideration of the Court a motion to advance this cause.

680. The American National Bank of Denver, vs. Petitioner, Samuel W. Watkins. The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. P. J. O'Donnell, in support of the same, and leave was granted counsel for the respondent to file a brief in opposition thereto within five days.

673. Fuller-Johnson Manufacturing Company, Petitioner, vs. A. J. Seiler. — The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. William R. Bagley, in support of the same, and Mr. Charles M. Keck, in opposition thereto.

678. The Western Assurance Company of Toronto, Canada, Petitioner, vs. Henri M. De Tiregnet et al. — The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Harrington Putnam, in support of the same, and Mr. Wilhelmus Mynderse, in opposition thereto.

671. A. Nelson Lewis, Petitioner vs. Charles H. Trowbridge, Trustee, et al. — The petition for a writ of certiorari herein, was submitted to the consideration of the Court on printed arguments by Mr. A. Nelson Lewis in propria persona, and Mr. John K. Beach, Mr. Edmund Wetmore, and Mr. Frank W. Havekell, in opposition thereto.

284. Emerson Chamberlin, Appellant, vs. The Peoria, Decatur & Evansville Railway Company, Central Trust Company of New York et al. Appeal from the Circuit Court of the United States for the District of Indiana.

It appearing to the Court that a stipulation of Counsel for the respective parties to dismiss this appeal has been filed, Therefore, in pursuance of said stipulation, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed.

Per Mr. Chief Justice Fuller.

240. Alice A. Cable, Admx &c., Petitioner, vs. The United States Life Insurance Company of New York City. Ordered by the Court that this cause be, and the same is, hereby, continued, until the next term, per stipulation of Counsel.

277. Thomas C. Bedford et al., Appellants, vs. The United States. Ordered by the Court that this cause be, and the same is hereby, continued until the next term, per stipulation of counsel.

281. The Virginia-Carolina Chemical Company, Petitioners, vs. The Home Insurance Company of New York et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

This case having been reached in the regular call of the docket, and it appearing to the Court that the petitioner has failed to prosecute its petition, Therefore, It is now here ordered by the Court that said petition be, and the same is, hereby, dismissed for want of prosecution.

Per Mr. Chief Justice Fuller.

263. Mutual Reserve Fund Life Association, Appellant, vs. James S. Phelps et al. Reargument of this cause was continued by Mr. B. F. Thresher, of counsel for the appellees, and concluded by Mr. D. T. Drake, of counsel for the appellant.

264. The Board of Commissioners of Stanley County et al., Petitioners, vs. N. N. Coler & Company. Reargument of this cause was commenced by Mr. James S. Shepherd, of counsel for the petitioners, and continued by Mr. John F. Dillon, of counsel for the respondents.

Proclamation being made the Court is adjourned,

Pursuant to adjournment the Court met to-day at the Capitol.

Present:

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. R. Ross Perry, Jr., it is ordered that Mitchell D. Follansbee, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Louis Marshall it is ordered that Samuel Untermyer, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by

Tuesday, April 28th, 1903, Continued:

Rogers, Esquire, of Vinita, Ind. Territory, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wm. T. Dillon it is ordered that C. H. Montgomery, Esquire, of Joplin, State of Missouri, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

661. Whitaker Wright, Appellant, vs. William Henkel, U.S. Marshal. On motion of Mr. Solicitor General Hoyt leave is hereby granted him to file a brief herein on behalf of The United States.

276. Johnson Blackfeather, Principal Chief &c., Appellant, vs. The United States. This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. John C. Cheney and Mr. Thomas Hunt, of counsel for the appellant, and Mr. Assistant Attorney General Pradt and Mr. W.H. Dutton, of counsel for the appellee.

The Board of Commissioners of Stanly County et al., Petitioners, vs. N. N. Coler & Company.

The argument of this cause was continued by Mr. John F. Dillon, of counsel for the respondents, and concluded by Mr. A. C. Avery, of counsel for the petitioners.

661. Whitaker Wright, Appellant, vs. William Henkel, U.S. Marshal &c.

The argument of this cause was commenced by Mr. Samuel Untermyer, of counsel for the appellant, and continued by Mr. Charles Fox, of counsel for the appellees, and Mr. Solicitor General Hoyt, of counsel for the United States.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Wednesday April 29th 1903

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Esq., Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Hoyt it is ordered, that John A. Eaton Esquire, of Kansas City, State of Missouri, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

661. Whitaker Wright, Appellant, vs. William Henkel, U.S. Marshal. The argument of this cause was continued by Mr. Solicitor General Hoyt, of counsel for the United States, and concluded by Mr. Louis Marshall, of Counsel for the appellant.

Esther S. Buchanan, Admx., et al., Plffs in Error,
vs.
Laura Patterson et al.

266.

The argument of this cause was commenced by Mr. Archibald H. Taylor, of counsel for the plaintiffs in error, and continued by Mr. Arthur W. Machen Jr., of counsel for the defendants in error.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Thursday, April 30th, 1903.

Pursuant to adjournment the Court met today at the Capitol.

Present.

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham
Joseph McKenna,
Oliver Wendell Holmes
} Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Thomas A. Pollock it is ordered that C. C. Coleman, Esquire, of Clay Center, State of Kansas, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George A. Prevost it is ordered that Donald Harper, Esquire, of New York City be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

294. A. Hollis Hunnewell, Pltff in Error, vs. Edward W. Peshost et al., Street Commissioners &c. Ordered by the Court that this cause be, and the same is hereby continued until the next term, per stipulation of counsel.

266. Esther S. Buchanan, Admx &c, et al., Pltffs in Error, vs. Laura Patterson et al. The argument of this cause was continued by Mr. Arthur W. Machen, Jr. Mr. Frank P. Clark, and Mr. Arthur W. Machen, of counsel for the defendants in error, and concluded by Mr. Edward P. Keech, of counsel for the plaintiffs in error.

267. George A. Mifflin et al., Appellants, vs. Benjamin P. Dutton et al. The argument of this case was commenced by Mr. Samuel J. Elder, of counsel for the appellants, and continued by Mr. Andrew Gilchrist, of counsel for the appellees.

268. George A. Mifflin et al., Appellants, vs. The R. A. White Company.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Friday, May 1st, 1903

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
Associate Justices.

John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Charles Henry Butler it is ordered that William A. Keener, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. B. Whitney it is ordered that Charles Bulkley Hubbell, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

278. B. M. Patterson et al., Appellants, vs. The Board of Education. On motion of Mr. Assistant Attorney General Purdy, leave, is hereby granted to file a brief herein on behalf of the United States.

1855. John E. Sexton, Plff in Error, vs. The People of the State of California. On motion of Mr. James Parker, of counsel for the plaintiff in error, it is ordered that the mandate in this cause be stayed for fifteen days.

292. W. K. Atkin, Plff in Error, vs. The State of Kansas. This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Thomas A. Pollock, of counsel for the plaintiff in error, and Mr. C. C. Coleman, of counsel for the defendant in error.

267. George N. Mifflin et al., Appellants, vs. Benjamin P. Dutton et al. 268. George N. Mifflin et al., Appellants, vs. The R. H. White Company. The argument of these causes was continued by Mr. Andrew Gilchrist, of counsel for the appellees, and concluded by Mr. Edmund A. Whitman, of counsel for the appellants.

278. B. M. Patterson et al, Appellants vs. The Bank "Eudora." This cause was argued by Mr. Hill Binton, of counsel, for the appellants, and Mr. Horace L. Cheyney, of counsel for the appellee, and leave was granted counsel for the appellee to file an additional brief within five days.

279. The Minneapolis & St. Louis Railroad Company, Plff in Error, vs. David D. Hanes et al, This cause was submitted to the consideration of the Court on the record and a printed argument by Mr. Albert E. Clarke, of counsel for the plaintiff in error. No brief was filed by counsel for the defendants in error.

282. Anton Johanson, Plff in Error, vs. The State of Washington. This cause was argued by Mr. C. C. Corliss, of counsel for the plaintiff in error, and Mr. W. B. Stratton, of counsel for the defendant in error, and leave was granted counsel to file additional briefs within twenty days.

285. George E. Lee, Plff in Error vs. This cause was submitted to the con-

on the record and printed arguments by Mr. Thomas G. Frost, of counsel for the plaintiff in error, and Mr. Leon C. Simm and Mr. J. L. Washburn, of counsel for the defendant in error.

(Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday, May 4th, 1903.

Pursuant to adjournment the Court met to-day at the Capitol.

Present:

The Honorable Melville W. Fuller, Chief Justice
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham
Oliver Wendell Holmes.
Associate Justices

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf, by Mr Solicitor General Hoyt it is ordered that Charles Neal Darling, Esquire, of Benning ton, State of Vermont, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George E. Hamilton it is ordered that Frederick Lincoln Siddons, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf

A. Garver, Esquire, of New York City, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. R. H. Terrell it is ordered that J. Gray Lucas, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George H. Lamar it is ordered that Henry W. Anderson, Esquire, of Richmond, State of Virginia, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. F. S. Richards it is ordered that Franklin Dewey Richards, Esquire, of Salt Lake City, State of Utah, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James K. Symmers it is ordered that Henry G. Newton, Esquire, of New Haven, State of Connecticut, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

8. Annie R. Kean et al., Plffs in Error, vs. The Calumet Canal and Improvement Company. In Error to the Supreme Court of the State of Indiana.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Indiana, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Holmes.

Dissenting:
Mr. Justice White and
Mr. Justice McKenna.

160. The Northern Pacific Railway Company, Plff in Error, vs. Abner Townsend, Minerva Townsend & Joseph McLeod. In Error to the Supreme Court of the State of Minnesota.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Minnesota, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, reversed

same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

(per Mr. Justice White.)

Dissenting:
Mr. Justice Harlan and
Mr. Justice Brown.)

The Texas & Pacific Railway Company (Plff in Error)
vs.
Samuel E. Watson.)

In Error to the United States Circuit Court of Appeals for the Fifth Circuit.

223.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with costs; And that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the Eastern District of Texas.

(per Mr. Justice White.)

188. The Oregon and California Railroad Company, Appellant, vs. The United States. Appeal from the United States Circuit Court of Appeals for the Ninth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals and the decree of the Circuit Court of the United States for the District of Oregon in this cause be, and the same are hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to dismiss the bill.

Per Mr. Justice Brown.

(Mr. Justice McKenna, having filed the bill, in this case as Attorney General, did not participate in this decision.)

213 A. D. James, United States Marshal for the Western District of Kentucky, and The United States, Appellants, vs. Henry Bowman. Appeal from the District Court of the United States for the Western District of Kentucky.

This cause came on to be heard on the transcript

States for the Western District of Kentucky, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the order of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Brewer.

Dissenting:
Mr. Justice Harlan and
Mr. Justice Brown.
(Mr. Justice McKenna took no part in the decision of this case.)

The Chief Justice announced that the Court would adjourn from to-day to Monday the 18th instant.

Ex parte. In the matter of The Goodyear Shoe Machinery Company, Petitioner. On consideration of the motion for leave to file a petition for writs of prohibition and mandamus herein, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

307. William R. Warner, Jr., Executor &c., Appellant, v. The Scarlet Heath Co., et al. It is ordered by the Court that the further consideration of the motion to

be, and the same is hereby, postponed until the hearing of the cause on its merits.

Per Mr. Chief Justice Fuller.

404. The German Savings and Loan Society, Plff in Error, vs. Dora May Dormitzer et al. It is ordered by the Court that the further consideration of the motions to dismiss or affirm herein be, and the same is hereby, postponed until the hearing of the cause on its merits.

Per Mr. Chief Justice Fuller.

656. Hippolite Pilhiol et al., Plffs in Error, vs. George N. Torney. On consideration of the motion to advance this cause, It is now here ordered by the Court that said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

671. A. Nelson Lewis, Petitioner, vs. Charles N. Trowbridge, Trustee &c. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the,

in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

(per Mr. Chief Justice Fuller.)

673. Fuller & Johnson Manufacturing Company, Petitioner, vs. A. J. Seiler. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

(per Mr. Chief Justice Fuller.)

678. The Western Assurance Company of Toronto, Canada, Petitioner, vs. Henri M. De Forcemont et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered,

is hereby denied.

per Mr. Chief Justice Fuller.

680. The American National, Bank of Denver, Petitioner, v. Samuel H. Hawkins. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel in support of the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

per Mr. Chief Justice Fuller.

774. The Minneapolis & St. Louis Railroad Company, Plff in Error, v. David D. Gano and Jane Gano, his wife, J. B. Gano and J. J. Davis. In Error to the Supreme Court of the State of Iowa.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Iowa, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs, and interest until paid, at the same rate per annum that simi

285. George E. Gee, Plff in Error, vs. Henry D. Gee. In Error to the Supreme Court of the State of Minnesota.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Minnesota, and was argued by counsel. On consideration whereof, It is now here ordered, and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

534. W. C. O'Neal, Plff in Error, vs. The United States. The motion to dismiss in this cause was submitted to the consideration of the Court on the record and printed arguments by Mr. B. C. Tunison, in support of the same, and Mr. H. A. Blount, in opposition thereto.

688. Elbert R. Robinson, Petitioner, vs. The Chicago City Railway Company et al. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. J. Gray Lucas, in support of the same, and Mr. Thomas A. Banning and Mr. Ephraim Banning, in opposition thereto.

681. Anglo-American Provision Co. v. The United States, Petitioner. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. James C. McKenna, in support of the same, and Mr. Solicitor General Hoyt, in opposition thereto.

685. Ocean Steamship Company of Savannah, v. John Richard Crooke, Petitioner. The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. Frederic D. McKenney and Mr. Julien T. Davies, in support of the same.

674. Supreme Council American Legion of Honor, v. Augusta E. Orcutt, Petitioner. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Alfred J. Cox, Mr. Henry Newbegin and and Mr. Robert Newbegin, in support of the same, and Mr. Alexander L. Smith, in opposition thereto.

686. William B. Gurney, Jr., et al., v. The Steamboat John K. Stanton, Petitioners. The petition for a writ of certiorari herein was sub-

sideration of the Court on printed arguments by Mr. James K. Symmers and Mr. Samuel, Park in support of the same, and Mr. Henry G. Newton, in opposition thereto.

Ex parte In the matter of Helen Post, Petitioner. Mr. A. Bisbee, of Counsel for the petitioner, submitted to the consideration of the Court a motion for leave to file a petition for a writ of habeas corpus herein, and leave was granted Mr. Solicitor General Hoyt to file a brief in opposition thereto within one week.

Freedom Hutchinson, Trustee, Appellant, vs. Otis, Wilcox & Company. 634. The motions to dismiss or affirm in this cause were submitted to the consideration of the Court on the record and printed arguments by Mr. John C. Gray and Mr. Roland Gray, in support of the same, and Mr. Frederic D. McKenney and Mr. Freedom Hutchinson, in opposition thereto.

Charles A. Shaw, Trustee, et al., Appellants, vs. The City of Covington et al. 649. The motions to dismiss or affirm in this cause were submitted to

Printed arguments by Mr. P. J. Hanlon, in support of the same, and Mr. Miller Outcalt, in opposition thereto

Proclamation being made the Court is adjourned until Monday, the 18th instant, at half-past ten o'clock

Monday, May 18th, 1903.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes. Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Thomas H. Clark it is ordered that Robert N. McNeill, Esquire, of Jefferson, State of North Carolina, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. L. A. Pradt it is ordered that Frederic P. Warfield, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W.H. Robeson it is ordered that E.C. Foster, Esquire, of Washington, District of Columbia, be, admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A.D. Benedict it is ordered that William Look, Esquire, of Detroit, State of Michigan, be, admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William A. Day it is ordered that Walter W. Ross, Esquire, of New York City, be admitted, to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A.E.L. Leckie it is ordered that William M. Offley, Esquire, of Washington, District of, Columbia, be admitted to practice as an attorney and counsellor of this Court and he, was sworn accordingly.

On motion first made to the Court in this behalf by Mr. D.W. Baker it is ordered that John C. Gittings, Esquire, of Washington, District of, Columbia, be admitted to practice as an attorney and counsellor of this Court and he,

On motion first made to the Court in this behalf by Mr. J. Spalding Flannery it is ordered that Theodore J. Geisler, Esquire, of Portland, State of Oregon, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. L. E. Payson it is ordered that James B. McDonough and Edgar E. Bryant, Esquires, of Fort Smith, State of Arkansas, and Alfred Heber Holbrook, Esquire, of New York City, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

Gertrude A. Hardin and The Cook County Canal & Dock Company, Plaintiffs in Error, vs. Charles B. Shedd. } In Error to the Supreme Court of the State of Illinois.

56.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Holmes

257. The Republic of Colombia, Appellant, vs. The Cauca Company and The Colombian Construction and Improvement Company. Appeal from the United States Circuit Court of Appeals for the Fourth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby remanded to the Circuit Court of the United States for the Northern District of West Virginia with directions to enter a decree confirming the award for and up to the sum of $193,204.00.

Per Mr. Justice Holmes.

272. Randolph & Randolph, vs. J. N. Scruggs, Trustee in Bankruptcy of The Langstaff Hardware Company. On a certificate from the United States Circuit Court of Appeals for the Sixth Circuit.

This cause came on to be heard on a certificate from the United States Circuit Court of Appeals

On consideration whereof, It is the opinion of this Court that the questions certified must be answered as follows: To the first, no; To the second, Not under the deed, but so far as the assignee would be allowed for the payment of the claim, the claim may be preferred in the right of the assignee; To the third, Not on the facts appearing in the certificate; To the fourth, The charge for the preparation of the deed may be proved as an unsecured claim. Whereupon, It is now here ordered by this Court that it be so certified to the said United States Circuit Court of Appeals.

(per Mr. Justice Holmes.

238. Jefferson B. Conley, Aff'in Error, vs. The Matthiessen & Hegeler Zinc Co. — In Error to the Circuit Court of the United States for the Southern District of New York.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

(per Mr. Justice McKenna.

256. The Western Union Telegraph Company, Aff'g in Error, vs. The State of Missouri at the relation and to the use of Chris. Gottlieb, Collector of the Revenue, for Jackson County, Missouri. } In Error to the Supreme Court of the State of Missouri.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Missouri, and was argued by counsel. On consideration whereof, It is now here ordered, and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs, and interest until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Missouri.

Per Mr. Justice McKenna.

Dissenting:
Mr. Justice White and
Mr. Justice Peckham.
Mr. Justice Brewer concurs in the dissent.

917. Cosmos Exploration Company, Appellant, vs. Gray Eagle Oil Company, Green-Whittier Oil Company et al., } Appeal from the United States Circuit Court of Appeals for the Ninth Circuit.

This cause came on to be heard on the transcript

Court of Appeals for the Ninth Circuit, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the Southern District of California.

Per Mr. Justice Peckham.

218. Pacific Land & Improvement Company, Appellant, vs. Elwood Oil Company, Bakersfield & Fresno Oil Co., et al. Appeal from the United States Circuit Court of Appeals for the Ninth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, Affirmed with costs; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the Southern District of California.

Per Mr. Justice Peckham.

632. The United States of America on the relation of The Riverside Oil Company, vs. Plff in Error, Ethan A. Hitchcock, Secretary of the Interior. In Error to the Court of Appeals of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the District of Columbia, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged, by this Court that the judgment of the said Court of Appeals in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Brewer.

232. Southern Railway Company, vs. Plff in Error, John A. Allison. In Error to the Supreme Court of the State of North Carolina.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of North Carolina, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the

Court for further proceedings not inconsistent with the opinion of this Court.

(Per Mr. Justice Peckham.)

214. The Interstate Commerce Commission, vs. The Louisville & Nashville Railroad Company et al. Appellant, Appeal from the United States Circuit Court of Appeals for the Fifth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the Southern District of Alabama.

(Per Mr. Justice White,

Dissenting:

Mr. Justice Harlan.)

258. The Swan & Finch Company, vs. The United States. Appellant, Appeal from the Court of Claims.

of the record from the Court of Claims, and was argued by Counsel. On consideration whereof It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause be, and the same is hereby, affirmed.

(per Mr. Justice Brewer,

Dissenting:
Mr. Justice Brown and
Mr. Justice Peckham.)

Mutual Reserve Fund Life Association, Appellant, vs. James S. Phelps and Fidelity Trust & Safety Vault Co. Appeal from the United States Circuit Court of Appeals for the Sixth Circuit.

263.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the Western District of Kentucky.

(per Mr. Justice Brewer.

Mary Phelps Montgomery, Executrix of the last will and testament of James B. Montgomery, deceased, (Plff in Error)
vs.
The City of Portland and The Port of Portland.

47. In Error to the Supreme Court of the State of Oregon.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Oregon, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Harlan.

The Board of Commissioners of Wilkes County and John A. Johnson, Sheriff, and ex officio Treasurer of Wilkes County,
vs.
W. N. Coler & Company.

247. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United

and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the Western District of North Carolina.

Per Mr. Justice Harlan.

Ex parte In the matter of William W. Watts, Petitioner.
15, Original.

On consideration of the petition for writs of habeas corpus and certiorari herein, of the returns to the writs, and of the argument of counsel thereupon had, It is considered by the Court that the imprisonment of William W. Watts, the petitioner herein, under the order of the District Court of the United States for the District of Indiana is without authority of law, and that the said William W. Watts is entitled to have his liberty: Whereupon, It is now here ordered by this Court that the said William W. Watts be, and he is hereby, discharged from said imprisonment.

Per Mr. Chief Justice Fuller.

Ex parte In the matter of David A. Sachs, Petitioner.
16, Original.

On consideration of the petitions for writs of habeas corpus and certiorari herein, of the returns to the writs, and of the argument of

Sachs, the petitioner herein, under the order of the District Court of the United States for the District of Indiana is without authority of law and that the said David A. Sachs is entitled to have his liberty: Whereupon, It is now here ordered by this Court that the said David A. Sachs be, and he is hereby, discharged from said imprisonment.

Per Mr. Chief Justice Fuller.

Supreme Council American Legion of Honor, Petitioner, vs. Augusta E. Orcutt,	67	On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

Anglo-American Provision Company, Petitioner, vs. The United States.	68	On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

On consideration of the petition for a writ of certiorari

for the Seventh Circuit, and of the argument of Counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

685. Ocean Steamship Company of Savannah, Petitioner, vs. John Richard Cook. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of Counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

686. William B. Gurney, Jr., et al, Petitioners, vs. The Steamboat "John A. Slavin", &c., John A. Slavin, Claimant. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and

well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

685. Elbert R. Robinson, Petitioner, vs. The Chicago City Railway Company et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

649. Charles A. Shaw, Trustee, et al., Appellants, vs. The City of Covington et al. On consideration of the motions to dismiss or affirm in this cause, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said motions be, and the same are hereby, denied.

Per Mr. Chief Justice Fuller.

696. The Northern Securities Company et al., Appellants, vs. The United States. Mr. Solicitor General Hoyt, of counsel for the appellee, submitted to the consideration of the Court a motion to advance this cause.

701. W. O. Johnson, Petitioner, vs. Southern Pacific Company. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. L. A. Shaver, in support of the same, and Mr. Maxwell Evarts and Mr. Martin L. Clardy, in opposition thereto.

699. John Holmes et al., Petitioners vs. The Ship "Queen Elizabeth." The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. R. D. Benedict, in support of the same, and Mr. Wilhelmus Mynderse, in opposition thereto.

697. The Farmers' Loan & Trust Company, Trustee, Petitioner, vs. The Lake Street Elevated. The petition for a writ of certiorari herein was submitted.

tion of the Court on printed arguments by Mr. J. K. Boyesen, in support of the same, and Mr. Charles H. Aldrich and Mr. Clarence A. Knight, in opposition thereto.

1, Original. The State of New Jersey, Complainant, vs. The State of Delaware. On motion of Mr. George H. Bates, of counsel for the defendant, leave is hereby granted him to file a motion for the appointment of a commissioner to take testimony in this cause, for an order in reference to the manner of taking said testimony, and to fix a day for the hearing of the cause, and said motion was submitted to the consideration of the Court.

698. Reid, Murdoch & Co., Petitioners, vs. The United States. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. W. Wickham Smith and Mr. Charles Curie, in support of the same, and Mr. Solicitor General Hoyt, in opposition thereto.

6, Original. The State of Tennessee, Complainant, vs. The State of Virginia. Mr. Charles D. Cates, Jr., of counsel for the complainant, submitted to the con-

report of the Commissioners herein and for a final decree herein.

574. William K. Pubman, vs. Aff'in Error, The Baltimore & Ohio Railroad Company et al. The motions to dismiss or affirm in this cause were submitted to the consideration of the Court on the record and printed arguments by Mr. George E. Hamilton and Mr. Frederic D. McKenney, in support of the same, and Mr. William A. Meloy, in opposition thereto.

644. The New York & Porto Rico Steamship Co., vs. Aff'in Error, J. Ochea y Hermano et al. and

645. The New York & Porto Rico Steamship Co., vs. Aff'in Error, Successors of M. Lombard & Co. The motions to dismiss in these cases were submitted to the consideration of the Court on the records and printed arguments by Mr. Frederic D. McKenney and Mr. F. H. Dexter, in support of the same, and Mr. John G. Carlisle, Mr. T. Kingsbury Curtis, Mr. Joseph K. McCammon, and Mr. James H. Hayden, in opposition thereto, and leave was granted counsel for the defendants in error to file a brief in reply within five days

683. James N. Gilbert, Sheriff, for use of Andrew D. Bishop, vs. The American Surety Co. of New York, et al., Petitioner, The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Frederic D. McKenney and Mr. Lynden Evans, in support of the same, and Mr. P. A. Moran, Mr. Levy Mayer, and Mr. Alfred S. Austrian, in opposition thereto.

700. F. P. Alcott et al., vs. Columbus Carturight et al. (Petitioners, The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. Maxwell Evarts and Mr. S. D. Cobbs, in support of the same, and leave was granted counsel for the respondents to file a brief in opposition thereto within eight days.

643. American Sales Book Co., et al., (Petitioners, vs. Josephus Bullivant, Jr. The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. Theodore J. Geisler and Mr. Leon Pobriner, in support of the same.

709. The Delaware, Lackawanna & Western Railroad Company, Petitioner, vs. Elston E. Devore, by Mary O. Heater, as guardian ad litem. The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. Walter W. Ross and Mr. William D. Guthrie, in support of the same, and leave was granted Counsel for the respondent to file a brief in opposition thereto within one week.

301. D. N. Holden et al., Appellants, vs. J. A. Stratton, Trustee. The motion to dismiss in this cause, was submitted to the consideration of the Court on the record and printed arguments by Mr. Frederick Bausman, in support of the same, and Mr. George Turner and Mr. P. O. Carroll, in opposition thereto.

294. N. Hollis Munnewell, Plff. in Error, vs. Edward W. Presho, Salem D. Charles, and James A. Sullivan, Street Commissioners of the City of Boston. In Error to the Supreme Judicial Court of the State of Massachusetts.

It appearing to the Court that a stipulation of Counsel for the respective parties to dismiss the writ of error in this

suance of said stipulation. It is now here ordered and adjudged by this Court that the writ of error in this cause be and the same is hereby dismissed with costs.

Per Mr. Chief Justice Fuller.

Proclamation being made the Court is adjourned until Monday, June 1st next at twelve o'clock.

Monday, June 1st, 1903.

Pursuant to adjournment the Court met to-day at the Capitol.

Present.

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. William A. Day it is ordered that James P. Lavin, Esquire, of Seattle, State of Washington; James C. McReynolds, Esquire, of Nashville, State of Tennessee; William Kaufman, Esquire, of Pittsburg, State of Pennsylvania; Charles J. Roe and Joseph A. Duffy, Esquires, of Jersey City, State of New Jersey; L. C. Alexander, Esquire, of Waco, State of Texas; and James R. P. Brown, Esquire, of Pittsburg, State of Pennsylvania, be admitted to practice as attorneys and counsellors of this Court and they were severally accordingly.

Mr. M. C. Burch it is ordered that Charles D. Hayt, Esquire, of Denver, State of Colorado, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert N. McNeill it is ordered that Jesse D. Guetin, Esquire, of Salem, State of Missouri, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John E. Taylor it is ordered that Jonathan R. Smith, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. L. Herbert it is ordered that Willard R. Bleakmore, Esquire, of Ardmore, Indian Territory, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Melville Church it is ordered that James N. Simpson, Esquire, of New York City, and Hervey S. Knight, Esquire, of Washington, District of Columbia, be admitted to practice as

they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. James A. Hayden it is ordered that Charles A. Collin, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Kearney it is ordered that E. Hume Talbert, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Spalding Flannery it is ordered that William E. Garvin, Esquire, of St. Louis, State of Missouri, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

241. Globe Refining Company, Plff in Error, vs. The Landa Cotton Oil Company. In Error to the Circuit Court of the United States for the Western District of Texas.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western District of Texas, and was argued by Counsel. On consideration

by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Holmes.

246. Thomas P. Queenan, Plff in Error, vs. The Territory of Oklahoma. In Error to the Supreme Court of the Territory of Oklahoma.

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory of Oklahoma, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Holmes.

634. Freedom Hutchinson, Trustee, Appellant, vs. Otis, Wilcox & Company. Appeal from the United States Circuit Court of Appeals for the First Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the First Circuit, and on a motion to dismiss or affirm which which was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United

be, and the same is hereby, affirmed with costs; And that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Massachusetts.

Per Mr. Justice Holmes.

264. The Board of Commissioners of Stanley County and D. W. Spuggs, Treasurer of Stanley County, Petitioners. vs. W. N. Coler & Company. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel. On consideration whereof, it is now here ordered, adjudged, and decreed, by this Court that the decree of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with costs, And that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the Western District of North Carolina.

Per Mr. Justice McKenna.

261. Danforth Geer, Willard F. Day, Arthur W. Smith et al., Appellants, v. The Matheson Alkali Works et al. } Appeal from the Circuit Court of the United States for the Southern District of New York.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

(per Mr. Justice McKenna.)

11, Original. The United States, Complainant, v. The State of Michigan. } In Equity.

This cause came on to be heard on a demurrer to the bill of complaint herein, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that said demurrer be, and the same is hereby, overruled, and leave granted the defendant to answer up to the first day of the next term of this Court. In case it refuses to plead further the judgment will be in favor of The United States for an accounting

244. Horace B. Dunbar vs. Lottie E. Dunbar. Pltff in Error. In Error to the Superior Court of the State of Massachusetts.

This cause came on to be heard on the transcript of the record from the Superior Court of the State of Massachusetts, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Superior Court in this cause be, and the same is hereby, affirmed with costs, and interest until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Massachusetts.

Per Mr. Justice Peckham.

266. Esther S. Buchanan, Administratrix of William B. Buchanan, deceased, Esther S. Buchanan and Wilson Carey Buchanan, vs. Laura Patterson, Sidney T. Dyer, Elisha Dyer, her husband, et al. Plffs in Error. In Error to the Court of Appeals of the State of Maryland.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the State of Maryland, and was argued by counsel. On consideration whereof,

Court that the judgment of the said Court of Appeals in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Peckham.

Johnson Blackfeather, Principal Chief of the Shawnee Tribe of Indians, for the use and benefit of the Shawnee Indians, Appellant,
vs.
The United States.

276. Appeal from the Court of Claims.

This cause came on to be heard on the transcript of the record from the Court of Claims, and was argued by Counsel. On consideration whereof, it is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Peckham.

Cosmos Exploration Co., Appellant,
vs.
Gray Eagle Oil Co., et al.

217. Ordered that the decree dismissing the bill in this case be modified by providing that the dismissal is without prejudice to such future proceedings as complainant may be advised, and as so modified, the decree is affirmed.

Per Mr. Justice Peckham.

215. Pacific Land Improvement Company, Appellant, vs. Elwood Oil Company et al. Ordered that the decree dismissing the bill in this case be modified by providing that the dismissal is without prejudice to such future proceedings as Complainant may be advised, and as so modified, the decree is affirmed.

Per Mr. Justice Peckham.

216. Joel N. Lockwood vs. Exchange Bank of Fort Valley and F. T. Rape, Trustee. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by Counsel. On Consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the District Court of the United States for the Southern District of Georgia in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said District Court with directions to overrule the exceptions to the trustee's assignment of homestead and exemption, and to withhold the discharge of the bankrupt, if he be otherwise

elapsed for the excepting creditor to assert in a State tribunal his alleged right to subject the exempt property to the satisfaction of his claim.

Per Mr. Justice White.

40. Mariano F. Sena, Appellant, vs. The United States. It is ordered by the Court that the decree of affirmance in this case be amended, by adding the following words "so far as such decree orders that the petition be dismissed, but without prejudice to such further proceedings as petitioner may be advised to take".

Per Mr. Justice Brown.

267. George A. Mifflin, James Murray Kay et al., Appellants, vs. Benjamin F. Dutton, George O. Dutton, & Harry Dutton, co-partners under the firm name & style of Houghton & Dutton. Appeal from the United States Circuit Court of Appeals for the First Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the First Circuit, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed

States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with costs; And that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the District of Massachusetts.

Per Mr. Justice Brown.

268. George N. Mifflin, James Murray Kay et al., Appellants, vs. The R. H. White Company. Appeal from the United States Circuit Court of Appeals for the First Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the First Circuit, and was argued by counsel. On consideration whereof, it is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the District of Massachusetts.

Per Mr. Justice Brown.

230. William L. Snyder, Executor of David L. Snyder, deceased, Plff in Error, vs. Bernard Bettman, Collector. In Error to the Circuit Court of the United States for the Southern District of Ohio.

of the record from the Circuit Court of the United States for the Southern District of Ohio, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

(per Mr. Justice Brown)

Dissenting:
Mr. Justice White,
Mr. Chief Justice Fuller, and
Mr. Justice Peckham.)

219. The Territory of Hawaii, Appellant, vs. Osaki Mandichi. Appeal from the District Court of the United States for the Territory of Hawaii

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Territory of Hawaii, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the order of the said District Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said District Court with directions to dismiss the petition.

(per Mr. Justice Brown)

Mr. Justice White concurs in the judgment.
Dissenting: Mr. Chief Justice Fuller, Mr. Justice Harlan,

282. Anton Johanson, Plff in Error, vs. The State of Washington. In Error to the Supreme Court of the State of Washington.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Washington, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Brewer.

163. Atlantic and Pacific Telegraph Company, Plff in Error, vs. City of Philadelphia. In Error to the Circuit Court of the United States for the Eastern District of Pennsylvania.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Pennsylvania, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to set aside the verdict and grant a new trial.

Per Mr. Justice Brewer.

Mr. Justice White, Mr. Justice Peckham, and Mr. Justice

278. B. M. Patterson, Edward Jansen, Sven Freeman et al. vs. The Bark "Eudora", whereof Alfred E. Dickson is master. On a certificate from the United States Circuit Court of Appeals for the Third Circuit.

This cause came on to be heard on a certificate from the United States Circuit Court of Appeals for the Third Circuit and was argued by counsel. On consideration whereof, It is the opinion of this Court that the questions certified must each be answered in the affirmative. Whereupon, It is now here ordered by this Court that it be so certified to the said United States Circuit Court of Appeals.

Per Mr. Justice Brewer.

Mr. Justice Harlan concurs in the judgment.

175. Henry A. Bockfinger, Appellant, vs. John H. Foster, W. S. Robertson, and A. C. Schnell, Trustees of Townsite Board No. 6, Oklahoma Territory. Appeal from the Supreme Court of the Territory of Oklahoma.

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory of Oklahoma, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by

Court in this cause be, and the same is hereby, affirmed with costs.

(Per Mr. Justice Harlan.)

Dissenting:
Mr. Justice White.

(Mr. Justice McKenna was not present at the argument and took no part in the decision of this case.)

534. W. C. O'Neal, Plff'n Error, vs. The United States. In Error to the District Court of the United States for the Northern District of Florida.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Florida, and on a motion to dismiss which was argued by Counsel. On consideration whereof, It is hereby ordered and adjudged, by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

661. Whitaker Wright, Appellant, vs. William Henkel, United States Marshal for the Southern District of New York, et al. Appeal from the Circuit Court of the United States for the Southern District of New York.

of the record from the Circuit Court of the United States for the Southern District of New York, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged and decreed by this Court that the order of the said Circuit Court in this cause be, and the same is, hereby, affirmed with costs.

(Per Mr. Chief Justice Fuller.)

574. William K. Dubman, vs. Jeff in Error, The Baltimore & Ohio Railroad Company et al. } In Error to the Court of Appeals of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the District of Columbia, and on motions to dismiss or affirm which were argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Appeals in this cause be, and the same is hereby, affirmed with costs.

(Per Mr. Chief Justice Fuller.)

1, Original. The State of New Jersey, vs. Complainant. The State of Delaware. } On motion for appointment of a special Commissioner to take testimony.

This cause coming on to be heard on the application

for the appointment of a special Commissioner to take testimony herein, and their stipulation in regard to the same herein filed by leave, and said application and stipulation having been duly considered:

It is ordered, That Mr. Francis Rawle, a member of this bar, and a resident of the City of Philadelphia, State of Pennsylvania, be, and he is hereby, appointed a Commissioner, with the powers of a Master in Chancery as provided, in the rules of this Court, to take and return the testimony in this cause, together with findings of fact and conclusions of law.

It is further ordered, That the taking of testimony on complainant's behalf shall be concluded within eight months from the date of this order; that the taking of testimony on behalf of defendant shall be concluded within four months thereafter; that the taking of testimony in rebuttal shall be concluded within two months after the close of defendants proofs; and thereafter defendant may take further testimony, in reply to new matter in rebuttal, during a period of one month; whereupon the taking of the testimony in the cause shall be closed.

Duly authenticated copies of official documents, records or maps may be offered by either party as evidence in the cause, upon furnishing to the adverse party copies thereof,

sufficiency and legality of the authentication.

The Commissioner may employ a stenographer or stenographers, the compensation for whose services, including copies of the proofs and depositions furnished to counsel, shall be reported by the Commissioner, to be taxed in the costs.

The Attorney General of each State for the time being is hereby designated as the agent of such State to receive any and every notice which may from time to time be necessary or proper to be served upon such State during the progress of the cause.

It is further ordered, That the report of the Commissioner, together with all the proofs and depositions taken and received by him, and his findings and conclusions, shall be filed with the Clerk of this Court on or before the first day of February, A.D. 1905.

Ent'd M. Chief Justice Fuller.

Ex parte In the matter of Helen Post, Petitioner. On consideration of the motion for leave to file a petition for writs of habeas corpus and certiorari herein, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said motion be and the same is hereby, denied.

Monday June 1st 1903, Continued.

Supreme Court of the United States.

No. 6, Original.—October Term, 1902.

The State of Tennessee, Complainant,
vs.
The State of Virginia.
} In Equity.

[June 1, 1903.]

Mr. Chief Justice Fuller announced the decree of the Court:

This cause came on to be heard on May 18, 1903, on the proceedings heretofore had herein, and upon the report of William C. Hodgkins, James B. Baylor and Andrew H. Buchanan, commissioners appointed by the decretal order herein of April 30, 1900, to ascertain, retrace, re-mark and re-establish the real, certain and true boundary line between the States of Tennessee and Virginia, as actually run and located from White Top Mountain to Cumberland Gap, under proceedings had between the two States in 1801–1803, and as adjudged and decreed by this court in its decree of April 3, 1893, in a certain original case in equity, wherein the State of Virginia was complainant and the State of Tennessee was defendant; which report is annexed hereto and made part hereof.

And it appearing to the court that said report was filed in this court on the 5th day of January, 1903, and that the same is unexcepted to by either party in any respect; therefore, upon the motion of the State of Tennessee, by her Attorney General, and of the State of Virginia, by her Attorney General, it is ordered that said report be, and the same is hereby, in all things confirmed.

It is thereupon ordered, adjudged and decreed that the real, certain and true boundary line between the States of Tennessee and Virginia, as actually run and located under the compact and proceedings had between the two States in 1801–1803, and as adjudged by this court on the third day of April, 1893, in said original cause in equity, wherein the State of Virginia was complainant and the State of Tennessee was defendant as aforesaid, was at the institution of this suit, and now is, except as hereinafter shown, as described and delineated in said report filed herein on January 5, 1903, as aforesaid.

And it further appearing to the court, and it being so admitted by both parties, that since the institution of this suit and the decretal order of April 30, 1900, as aforesaid, a compact was entered into by the States of Tennessee

and Virginia, expressed in the concurrent laws of said States, namely, the act of the general assembly of Tennessee, approved January 28, 1901, entitled "An act to cede to the State of Virginia a certain narrow strip of territory belonging to the State of Tennessee, lying between the northern boundary line of the city of Bristol, in the county of Sullivan, and the southern boundary line of the city of Bristol, in the county of Washington, State of Virginia, being the northern half of Main street, of the said two cities," and the reciprocal act of the general assembly of Virginia approved February 9, 1901, entitled "An act to accept the cession by the State of Tennessee to the State of Virginia, of a certain narrow strip of territory claimed as belonging to the State of Tennessee, and described as lying between the northern boundary line of the city of Bristol, in the county of Sullivan, State of Tennessee, and the southern boundary line of the city of Bristol, in the county of Washington, State of Virginia, being the northern half of the Main street of the said two cities."

And it further appearing that said compact received the consent of the Congress of the United States by joint resolution approved March 3, 1901, as follows:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That a recent compact or agreement having been made by and between the States of Tennessee and Virginia, whereby the State of Tennessee, by an act of its legislature approved January twenty-eighth, nineteen hundred and one, ceded to the State of Virginia certain territory specifically described in said act and being the northern half of the main street between the cities of Bristol, Virginia, and Bristol, Tennessee, and the State of Virginia, by act of its general assembly, approved February ninth, nineteen hundred and one, having accepted said cession of the State of Tennessee, the consent of Congress is hereby given to said contract or agreement between said States fixing the boundary line between said States as shown by said acts referred to, and the same is hereby ratified."

And said commissioners, in their said report, having ascertained and recommended the straight line from the end of the "diamond-marked" or compact line of 1801-1803 to the corner of the States of North Carolina and Tennessee as the true boundary line between the States of Virginia and Tennessee between those two points, the court, approving said recommendation and finding of said commissioners, doth adopt the same.

And the court, being of opinion that it is proper to recognize the line so established by said last-mentioned compact of 1901 as the real, certain, and true interstate boundary line within and between said two cities, and to definitely determine and fix in this cause what is the real, true and certain boundary line between said States throughout the entire length thereof from the corner of the States of North Carolina and Tennessee, on Pond Mountain, to the corner of Virginia and Kentucky, at Cumberland Gap, doth therefore

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adjudge, order, and decree that the entire real, certain, and true boundary line between the States of Tennessee and Virginia is the line described and delineated in said report filed herein on January 5, 1903, modified as to so much of said line as lies between the two cities of Bristol, by the aforesaid compact of 1901 between the two States, and as so described, delineated, and modified said boundary line from the said North Carolina corner to the eastern end of the compact line of 1801–1803, known as the "diamond-marked" line, and thence to Cumberland Gap, is hereby determined, fixed, and established.

It is further ordered, adjudged and decreed that the compensation and expenses of the commissioners and the expenditures attendant upon the discharge of their duties be, and they are hereby, allowed at the several sums set forth in their report, as hereinbefore confirmed, and that said charges and expenses, together with all the costs of this suit to be taxed, be equally divided between the parties hereto.

It is further ordered that the clerk of this court do, at the proper charges of the parties to this cause, deliver fifty printed copies of this decree including said report to the Attorney General of each of said States.

The report of the commissioners, filed January 5, 1903, is as follows:

To the Honorable the Chief Justice and Associate Justices of the Supreme Court of the United States:

Your commissioners, appointed by the decree of this honorable court, dated April 30, 1900, to ascertain, retrace, re-mark and re-establish the boundary line established between the States of Virginia and Tennessee, by the compact of 1803, which was actually run and located under proceedings had by the two States in 1801–1803, and was then marked with five chops in the shape of a diamond, and which ran from White Top Mountain to Cumberland Gap, respectfully represent that they have completed the duties assigned to them by the said decree of April 30, 1900, that they have retraced and re-marked the said boundary line as originally run and marked with five chops in the shape of a diamond in the year 1802, and that for the better securing of the same they have placed upon the said line, besides other durable marks, monuments of cut limestone, four and a half feet long and seven inches square on top, with V's cut on their north faces and T's on their south faces, set three and a half feet in the ground, conveniently located as hereinafter more fully described, so that the citizens of each State and others, by reasonable diligence, may readily find the true location of said boundary; all of which is more particularly set forth in the detailed report of their operations, which your commissioners herewith beg to submit, together with two maps explanatory of the same, a list of the several permanent monuments and other durable marks, and a complete bill of costs and charges. And your commissioners further pray that this honorable court accept and confirm this report; that the line as marked on the ground by said commissioners in the years 1901 and 1902 be declared to be the real, certain and true boundary between the States of Tennessee and Virginia; that your commissioners be

allowed their expenses and reasonable charges for their own services in these premises, as shown on the bill of costs which forms a part of this report; and finally, that your commissioners be discharged from further proceedings in these premises.

WILLIAM C. HODGKINS, [SEAL.]
Commissioner.

JAMES B. BAYLOR, [SEAL.]
Commissioner.

ANDREW H. BUCHANAN, [SEAL.]
Commissioner.

Detailed report of the operations of the commission appointed by the Supreme Court of the United States (April 30, 1900) to retrace and re-mark the boundary line between the States of Tennessee and Virginia.

At the date of the above decree and for several months thereafter the State of Virginia had no funds available for the proceedings ordered by the court, and none could be had until there could be a session of the State legislature to make the needed appropriation. It was therefore necessary for your commissioners to seek an extension of the time within which they might make their report and upon the motion of the Attorney General of Virginia an extension was granted until the next term of court.

At a session of the General Assembly of Virginia, held in the winter of 1900–1901, the sum of five thousand dollars was appropriated for the purpose of paying Virginia's share of the expenses of this boundary survey.

The Tennessee legislature had previously made a like appropriation.

Your commissioners therefore made preparations for beginning the execution of their duties under your decree of April 30, 1900, as early in the season of 1901 as the weather conditions should permit.

The commission held its first meeting at Washington, D. C., on May 16, 1901, and organized by choosing William C. Hodgkins, of the State of Massachusetts, as chairman; James B. Baylor, of the State of Virginia, as secretary, and Andrew H. Buchanan, of the State of Tennessee, as treasurer.

At this meeting there was a full discussion of the problem presented and of the method of work which might be most suitable under all the conditions. Arrangements were also made for procuring the necessary camp outfit and supplies.

Through the courtesy of the Superintendent of the U. S. Coast and Geodetic Survey, your commissioners were able to procure from that bureau, without charge, not only the outfit of tents and camp furniture required for the shelter and comfort of the party, but also the valuable instruments needed for the survey.

This relieved the States of Tennessee and Virginia of a considerable expense which would otherwise have been unavoidable. The two States were spared another heavy item of expense by the fact that each of your commissioners is a civil engineer and entirely familiar with work of this nature. It was, therefore, unnecessary to follow the usual course of employing engineers or surveyors to carry out the field-work under the direction of the commissioners. Instead of that, your commissioners themselves conducted all the field-work, hiring only such rodmen, axmen, etc.,

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as were necessary from time to time. By such methods and by exercising rigid economy in all of their expenditures, your commissioners have been able to complete the entire work, including the setting of cut-stone monuments, and also including the amount charged for their own remuneration, for the sum of $9,475.99, which is but little more than the amount charged to the State of Virginia alone by the joint commission of 1858–1859.

It having been decided at the first meeting of the commission that the most convenient place for beginning field operations would be the city of Bristol, which is located directly upon the boundary line, the commission adjourned to that place.

Field-work was begun on May 22, 1901, with the examination of a portion of the line east of Bristol, where a number of trees were found which bore the marks of the surveys of 1802 and 1858–'59. As there has been considerable controversy and conflicting testimony in regard to the nature of these old marks, it may be well to show by diagrams and photographs the actual arrangement and appearance of those of both years, as well as of the somewhat different mark which was used for the present re-marking by your commissioners.

While the marks made in 1858–'59 are still numerous in forested areas and are generally easily distinguishable, those made in 1802 are becoming scarce and sometimes are barely discernible when found.

This is shown in the accompanying photograph of a large white-oak tree, upon which the marks of 1858–'59 can readily be traced, while only three of those made in 1802 can be distinguished and those with difficulty. The marks of 1802 were apparently made with a small and light hatchet and on many trees which have a thick and rough bark the hatchet does not seem to have reached the wood and in such cases the gradual exfoliation of the bark has often nearly or entirely obliterated the mark. Where the wood was wounded a small burr has formed which can nearly always be recognized, but cuts which did not completely penetrate the bark have sometimes disappeared.

The marks left by the survey of 1858–'59 were found of very great value as guides to the older "diamond" marks of 1802. Both marks were often found on the same tree and it was a rare occurrence to find the diamond mark without the mark of 1859, either above or below it. In fact, it was very soon noticed that the mere fact of finding the mark of 1858–'59 either above or below the normal position on a tree was an almost certain indication that a diamond mark had been found there at the date of the later marking, even though, through the action of time and the elements, all vestiges of it may now have disappeared. Since the date of the last survey, very many marked trees have been destroyed

through various agencies, especially since the more rapid development of this section in recent years has caused a greater demand for lumber, and in some places the trees bearing the old marks are so far apart and the marks themselves are so faint that great trouble and delay would often have been experienced in the search for these old marks had it not been for the aid afforded by the marks of 1858-'59, which always proved reliable guides by which to find the older marks.

In this connection it may not be inappropriate for your commissioners to state that they everywhere found that the joint commission of 1859 did its work in a careful and conscientious manner, and that they believe its line, as marked on the growing timber, is identical with that marked by the joint commission of 1802, and that full credence should be given to statements of fact in the report of that survey.

From a point about a mile and a quarter east of Bristol, the line was traced without difficulty, other than that due to the broken nature of the country traversed, as far as the beginning of what is commonly known as the Denton Valley offset.

At this point occurs the greatest and most remarkable irregularity in the whole course of this line, there being a deflection from the direct course of 66° 10′ for a distance of 8715.6 feet. The portion of the boundary east of the offset is further north than that west of the offset, so that the deflection is to the south in going westward from the eastern end of the line, the direction in which it was originally run out, or to the north in working eastward from Bristol, as was done in the present survey for reasons of convenience. In either case, the deflection is to the left hand; but it is not the same in each case, as the two portions of the line east and west of the offset are not exactly parallel to each other. This difference of direction amounts to 1° 30′ as shown on the map of the line accompanying this report.

Owing to the long controversy over this offset and the persistent assertions of certain parties that marked timber would be found on the eastern prolongation of the portion of the line extending from Bristol to Denton's Valley, if the same were run out, your commissioners felt obliged, in order to settle the question for all time, to run out this line and make a careful search for marked timber along its course. This was accordingly done, and a careful examination of the timber on each side of the transit line was made as the work progressed; but with only negative results.

Although several weeks were spent in running this line across the series of very rough and heavily timbered mountains lying between Denton's Valley and Pond Mountain, near the corner of North Carolina, and although every story brought to the commissioners by people interested in the result was carefully examined, your commissioners were utterly unable to find or to have pointed out to them one authentic mark of the line of 1802, either on this line or anywhere in its vicinity.

On the other hand, the "offset line" and the portion of the line running eastward from the offset to the vicinity of the White Top Mountain were found well marked; both the 1802 and the 1858-'59 marks were found at frequent intervals.

In order to be assured that these marks were authentic, blocks were cut from several of these trees, at different points on said offset line, and the ages of the marks were determined by counting the rings of the annual growth. These tests showed that the marks were of the supposed age.

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The ages of the most important marks were verified by the U. S. Bureau of Forestry. As was found in 1858–'59 the marking of the timber ceased (or began) on a comparatively low eminence, known as Burnt Hill, which from the neighboring heights of White Top or of Pond Mountain seems to be in the bottom of a hollow.

The apparent discrepancy between this situation and the language of the report of the joint commission of 1802, which reads—"Beginning on the summit of the mountain generally known as the White Top Mountain," etc., has led some to suppose that the line should be extended further east, to the summit of the so-called "divide" or watershed between the tributaries of the Holston and New Rivers.

There seems, however, nothing to support this theory except the somewhat hazy idea that the eastern end or point of beginning of this line ought to be on a summit.

As a matter of fact, the actual end of the line on Burnt Hill is on quite as much of a summit as if it had been on the "divide," which in this place is so low and flat as to be scarcely perceptible as an elevation of any importance. It certainly could never be supposed to be the summit of White Top Mountain, which towers far above it, its huge, dome-like bulk filling the northeastern horizon.

No marked trees of 1802 or of 1858–'59 could be found east of Burnt Hill, though the line was produced through heavy timber of original growth to the "divide" and careful search was made for them. The same condition was found in 1859, as reported by the commission of that year. A point which that commission seems to have overlooked is the important fact that the eastern end of the marked line at Burnt Hill is almost exactly in line between the corner of North Carolina, on Pond Mountain, and the summit of White Top Mountain. What more likely then that the commissioners of 1802, who agreed to lay out a line equally distant from the older lines, known as Walker's and Henderson's and beginning on the summit of the mountain generally known as the White Top Mountain, should begin at the point where the Walker line reached the northwestern corner of North Carolina, and where accordingly the jurisdiction of Tennessee should begin, and run thence in the direction of the most important peak to the northward and eastward until they reached the desired middle point between the lines of Walker and Henderson, and from that point started on their westerly course. It is hard to understand why they should have omitted to mark this part of their line; but this small bit of boundary, extending from the northeast corner of Tennessee to the northwest corner of North Carolina, seems to have been somewhat overlooked in more recent proceedings. Your commissioners respectfully recommend that the straight line between these two points be declared to be the boundary, believing, as they do in the absence of any marks to the contrary, that this was the original and true line. All of this section is composed of very rugged and densely wooded mountains with but a scanty population.

The progress of the work in this mountainous and almost inaccessible region was delayed not only by the nature of the country and by the fact that in this very worst part of the whole line it was necessary to run out these two independent lines, doubling the labor to be expended, but also by the unfortunately rainy weather which was experienced. The frequent and heavy rains often stopped field-work, washed the few roads so badly

that they became almost impassible and raised the streams so high that sometimes for days at a time it was impossible to ford them.

It was not until September 21 that your commissioners were able to close work in the White Top region and return to Bristol to start westward from that place toward Cumberland Gap.

For the remainder of the season, however, both the weather and the nature of the country were much more favorable for field operations and excellent progress was made, though it was impossible to entirely complete the work before the approach of winter.

So far as the portion of the boundary passing through the central part of the city of Bristol is concerned, the labors of your commissioners were forestalled by a special act of the General Assembly of the State of Tennessee, approved January twenty-eighth, nineteen hundred and one, ceding to the State of Virginia the northern half of the main street of the two cities. The General Assembly of Virginia accepted the cession by an act approved February ninth, nineteen hundred and one, and the action of the two legislatures was subsequently ratified by the Congress and approved by the President of the United States, March third, nineteen hundred and one. This cession covers, however, but a small part of the boundary, extending only from the northwest corner of the old town of Bristol on the west to the western boundary of the Bristol cemetery on the east. As it is important to guard against the possible renewal of this long-standing controversy, and as the town is already extending beyond the above limits, it was deemed proper to mark the old diamond line by monuments, just as if there had been no legal change in the boundary for this short distance. But your commissioners regret to report that they have been unable to reach a unanimous conclusion in regard to the true location of the said diamond line within and near the above limits.

Commissioners Hodgkins and Buchanan, after careful study of all the evidence of record and after diligent examination of the ground, are of the opinion that the said diamond line of 1802–1803 runs from monument No. 25, near the first marked tree east of Bristol, in a straight line, to monument No. 26, on the western boundary of the Bristol cemetery and on the north line of Main or State street; thence along the northern line of said Main or State street to "a planted stone in the edge of a field formerly owned by Z. L. Burson, being the northwest corner of the corporate territory of the old town of Bristol," referred to in the act of cession, *supra;* and thence in a straight line to monument No. 28 in the fork of the main road and near the first marked trees west of Bristol.

Commissioner Baylor, on the other hand, after equally careful consideration of all the evidence of record and diligent examination of the ground, is of the opinion that the said diamond line of 1802–1803 runs from monument No. 25, near the first marked tree east of Bristol, in a straight line to monument No. 27, situated just outside of the wall of the Bristol cemetery and on the middle line of Main or State street as it runs west from this point; and thence in a straight line along the middle of Main or State street to monument No. 28, near the center of the fork of the main road, and near the first marked trees of 1858–'59, west of Bristol.

The said line, running through the center of Main or State street, is just 30 feet south of monument No. 26 on the north property line of Main or State street, outside the western wall of Bristol cemetery.

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Westward from Bristol, the boundary was retraced without difficulty by the marked trees, just as in the previous work to the eastward.

Only one marked deviation from the general course of the line was encountered during the remainder of the season. This was on the property formerly known as the Hickman place, in the vicinity of the village of Bloomingdale, Tennessee.

Here the line was found to have a deflection of 8° 30' to the right, or north, for the distance of 3161.8 feet. From the western end of this offset, the line resumed its general westerly course, and so continued until the end of the work of that year. As the season advanced, it became evident that even under the most favorable conditions it would be impossible to complete the survey without working far into the winter, which on many accounts was undesirable.

The Attorneys General of the two States therefore joined in a request for a further extension of time within which your commissioners might file their report, and this honorable court thereupon extended that time until the opening of the October term, 1902.

The field operations for the season of 1901 were closed at the end of October, at which time the survey had been extended to the Clinch River, 43 miles east of Cumberland Gap the total length of boundary retraced being 70 miles, besides 16 miles of trail line run on the extension of the "straight line" from Denton's Valley to Pond Mountain.

Before the opening of field-work for the season — 1902, a complaint reached your commissioners from a citizen of Johnson County, Tennessee, supposed to be reliable, to the effect that interested parties were interfering with the marks placed on the line the previous year, and that in some cases at least the monuments had not been properly placed by the persons employed for that purpose.

Although these statements seem scarcely credible, in view of the general interest taken in the work by the inhabitants, your commissioners thought it best to investigate the matter and to satisfy themselves by personal inspection that the monuments had remained undisturbed in their proper places.

This was accordingly done at the outset of the season's work and it was ascertained that the stories of falsification of the marking were without any foundation of fact, that all of the monuments between the northeast corner of Tennessee and Bristol had been properly set and that none of them had been disturbed.

These preliminary operations occupied the time from June 23 to July 4, on which your day your commissioners returned to Bristol. After placing some additional monuments on the old line in and near Bristol, they proceeded to Gate City, Virginia, where the camp outfit had been stored at the close of work in the preceding autumn, and at once went into camp at Robinett, Tennessee, west of the North fork of Clinch River.

The survey of the boundary line was resumed at the point where it had been suspended the year before, at the crossing of Clinch River near Church's Ford.

From this point to Cumberland Gap the line crosses a succession of mountains and valleys, with comparatively little level or cleared land. Little difficulty was experienced in tracing the line in this part of its course, the marked trees being generally found at frequent intervals. The line preserved its general course as before, except that two deflections to

the northward were found which were similar to that found the year before near Bloomingdale.

The first of these occurred on the mountain called Wallen's Ridge, where the line made a deflection of 19° to the north before reaching the summit, and kept that course for a distance of 4643.7 feet before resuming its usual direction. There were numerous trees with both the 1802 and 1859 marks on this deflected line.

The final deflection of 4° 10′ to the north for a distance of 6503.3 feet began at the "old furnace road" near Station Creek, less than three miles from the west end of the line on Cumberland Mountain. From the western end of this offset the line runs straight to the terminus.

There has been considerable controversy and litigation over these last three miles of the boundary and a number of witnesses have testified in the case of Virginia ag't Tennessee, Supreme Court, U. S., Oct. term, 1891, that there were none of the marks of the previous surveys remaining between Station Creek and the summit of Cumberland Mountain, owing to the destruction of the timber in that area during the military operations of the Civil War.

Your commissioners were able to find, however, three trees well marked with the mark of the 1859 survey, and at least one of these bore evidence in the position of this mark that an old diamond mark was formerly visible above it.

These marked trees were found on the east and west part of the line west of the offset and are in excellent alignment, and settled beyond the possibility of doubt the location of this part of the boundary, and hence the short remaining distance to the summit of Cumberland Mountain. This line passes near and a little south of the old mill several times referred to in the case above cited, and thence across the Union Railroad station, leaving most of the town of Cumberland Gap in Tennessee. The summit of Cumberland Mountain was reached on Saturday, August 23d, 1902, and on the following Monday the field-work of the survey was completed and the camp outfit was packed and shipped to Washington. Your commissioners then separated, Professor Buchanan returned to his home at Lebanon, Tennessee, to work up his field-notes; and Mr. Hodgkins to Washington to attend to business of the commission and to draft a report of its operation; while Mr. Baylor remained on the ground until September 13, superintending the placing of monuments along the part of the line surveyed in 1902.

In conclusion, your commissioners state that they have found the duties imposed upon them by your instructions often arduous and exacting and that the survey just completed proved far more laborious and was attended by greater hardships than any of them had anticipated, but that they have nevertheless given the same careful attention to every part of it and that they believe it to be correct throughout.

List of Monuments of Cut Limestone and Other Durable Marks, as Hereinafter More Fully Described.

(1)—At northeast corner of Tennessee, at Burnt Hill.
(2)—On summit of Flat Spring Ridge.
(3)—On Valley Creek road, on John Toliver place.
(4)—On road from Laurel River to White Top Mountain near an old mill.

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(5)—On road up Laurel River, near a double ford.

On summit of Iron Mountain, near the north end of the rocky bluff, a cairn of rocks was erected.

(6)—At eastern foot Holston Mountain, a short distance from Beaver Dam Creek, and the Virginia and Carolina Railway.

Coast and Geodetic Survey triangulation station "Damascus" on summit of Holston Mountain, a stone marked $\frac{U\ S}{C\ S}$ +

(7)—On Rockhouse Branch road in the valley, on Mary Nealy place.

(8)—On road from Barron Railway station to New Shady road, cut-stone monument of 1858–'59.

(9)—In woods, north of New Shady road where the line changes its course to south 23° 50′ west (mag.) a marked deflection from the general course of the line.

(10)—On the New Shady road, where this deflected line crosses it.

(11)—In woods, on Little Mountain, west of Cox Creek, where this bearing of south 23 50′ west (mag.) ends, and the line resumes its general course to the westward.

(12)—On road just north of cross-road leading to Thomas Denton place.

(13)—On road on hill on C. D. Short place.

(14)—On road on east bank of the South fork Holston River, cut-stone monument of 1858–'59.

(15)—On hill in George Garrett's cow lot, west and north of South fork Holston River.

(16)—On road to King's mill, near John Buckly house.

(17)—On road to King's mill, via Thomas place.

(18)—On summit of open hill east of Painter place, concrete monument.

(19)—On road running east of Painter house.

(20)—On road running west of Painter house, cut-stone monument of 1858–'59.

(21)—On road through woods west of Painter property.

(22)—On summit of first high ridge east of Paperville road.

(23)—On Paperville road, at Jones place.

(24)—On road west of Carmack house.

(25)—On Booher place near first marked tree, (of 1858–'59) east of Bristol.

(26)—On north property line of the main street of Bristol outside the western wall of the cemetery. Commissioner Baylor does not consider this a part of the true line.

(27)—Outside the street wall of the Bristol cemetery, at the point where the average center line of Main street intersects said wall. Commissioners Hodgkins and Buchanan do not consider this a point on the boundary.

A stone post in the edge of a field, formerly owned by Z. L. Burson, at the northwest corner of the old corporate territory of the old town of Bristol. Commissioner Baylor does not consider this a point on the boundary.

(28)—In the fork of the main road, west of the town of Bristol.

(29)—On road to Bristol, east of Worley place.

(30)—On road to Bristol, west of Worley place.

Coast and Geodetic Survey triangulation station "Dunn" on summit of ridge, on old Dunn place stone marked $\frac{U\ S}{C\ S}$ +

(31)—On Dishner Valley road.
(32)—On road to Bristol, east of Gum Spring.
(33)—On road to Bristol, near Tallman house.
(34)—On road in valley, west of old abandoned railway bed.
(35)—On Scott road.
(36)—On road west of Akard place.
(37)—On road near Jackson place.
(38)—On Boozey Creek road.
(39)—On road to Hilton ford, cut-stone monument 1858–'59.
(40)—On Timbertree road.
(41)—Between two roads just east of Gate City road.
(42)—In woods, west of Gate City road, where there is a deflection of 8° 30′ to the right, or north, from the general course of the line, on old Hickman place.
(43)—In woods northeast of Bloomingdale, where this 8° 30′ deflection from the general course of the line ends, in going westward, and line resumes its general course.
(44)—On road to Bloomingdale.
(45)—On Wall Gap road.
(46)—On road up ravine.
(47)—On Carter Valley road.
(48)—On Gate City and Kingsport road, cut-stone monument of 1858–'59.
Coast and Geodetic Survey triangulation station "Cloud" on bluff of North Holston River, stone marked $\frac{U\ S}{C\ S}$ +
(49)—On east bank of North Holston River.
(50)—On road on west bank of North Holston River.
(51)—At cross-roads on Stanley Valley road, cut-stone monument of 1858–'59.
(52)—On Stanley Valley road, on hill at turn in road.
(53)—On Cameron Post-office road.
(54)—On Stanley Valley road south of barn of N. J. Bussell, cut-stone monument of 1858–'59.
(55)—On Stanley Valley road, cut-stone monument of 1858–'59.
(56)—On road which runs across Opossum Ridge.
(57)—On Moore's Gap road.
(58)—On Caney Valley road.
(59)—On Little Poor Valley road, south of Mary Field house.
(60)—On Poor Valley road, cut-stone monument of 1858–'59.
On summit of Clinch Mountain cairn of rocks erected, a few feet south of the Coast and Geodetic Survey triangulation station "Wildcat," which station marked with $\frac{U\ S}{C\ S}$ + cut in sandstone rock.
(61)—On Clinch Valley road.
(62)—On road on east bank of Clinch River, above Church's ford.
(63)—On road at Jane Bagley's house.
On summit of open hill east of Fisher Valley road line crosses solid rock. Small hole drilled in it, with T cut south of hole, and V north of it.
(64)—On Fisher Valley road.
On summit of high ridge, east of Robinett line crosses solid rock. Small hole drilled in it, with V cut on north side of hole, and T on south of it.

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(65)—On road at Robinett.

On side of ridge at east edge of woods line crosses rock. Small hole drilled in it, with V cut on north side of hole and T on south of it.

On summit of Newman's Ridge line crosses rock similarly marked.

(66)—On Rogersville and Jonesville road.

(67)—On Little Creek Road.

(68)—On Sneedville and Black Water Salt Works road.

(69)—On Black Water Valley road, near J. Mullen's house. Coast and Geodetic Survey triangulation station "Powell," on summit of Powell Mountain, large sandstone rock marked $\frac{U\ S}{C\ S}$ +

(70)—On Mulberry Gap and Wallen Creek road, near large poplar.

(71)—Near junction of Mulberry Gap and Jonesville roads.

(72)—On east face of Wallen Ridge, on edge of trail over ridge, where there is a deflection to the right, or north, of 19°, from the general course of the line.

On summit of Wallen Ridge line crosses large sandstone rock. Small hole cut in it with V. cut north of hole and T. south of it.

(73)—On west face of Wallen Ridge, in open field, on the boundary fence of Mollie Thompson and J. W. Moore, where this deflection of 19° from the general course of the line ends, in going westward, and line resumes its general course.

(74)—On road east of Powell River, and north of Welch or Baldwin ford.

On rock bluff west of Powell River, a small hole was cut with V north of this hole and T. south of it.

(75)—On Powell River and Sneedville road, on hill west of Powell River, rough stone monument with V. cut on north face and T on south face.

(76)—On Powell River and Sneedville road.

(77)—On Martin Creek road.

(78)—On Low Hollow road.

(79)—On Four Mile Creek road.

(80)—On Bayles' Mill road.

(81)—On Ball's Mill road.

Coast and Geodetic Survey triangulation station "Minter" on summit of hill, near gate and fence corner.

(83)—On road south of Jacob Estep's house.

(84)—On East Machine Branch road.

(85)—On West Machine Branch road.

(86)—On Dicktown road.

(87)—On Mud Hollow Hole road, near large limestone spring.

(88)—On Hoskins' Valley road, near large limestone spring.

(89)—On George Souther's saw mill road

(90)—On Louisville and Nashville Railway, near Brook's crossing.

(91)—On old iron-works road, where there is a deflection of 4° 10′ to the right, on north, from the general course of the line.

(92)—On Station Creek road.

(93)—On east side of Poor Valley Ridge, where this deflection of 4° 10′ from the general course of the line ends, in going westward, and line resumes its general course.

Monday, June 5th, 1903 Continued:

(94)—On Cumberland Gap and Virginia road, east of Cumberland Gap.

(95)—On small hill just east of road connecting Cumberland Gap with Old Virginia and Cumberland Gap road, in the edge of the old town park.

(96)—On side of open hill facing south, about 2¼ squares east of the Tazewell and Kentucky road, at Cumberland Gap.

(97)—On west side of Tazewell and Kentucky road, and just east of woolen factory at Cumberland Gap.

(98)—At foot of Cumberland Mountain, west of the Union Railway station, and in line with the south edge of the south chimney of said Union Railway station.

(99)—On summit of Cumberland Mountain. The monument of cut limestone has "V" and "T" cut on its adjacent vertical faces, and "Corner" cut on its top. Its base is set in cement and broken rock with one diagonal running east and west. The summit of the sandstone ledge was blasted in order to set this monument.

In addition to the cut-stone monuments and other durable marks, your commissioners marked with six chops, thus:—

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the trees on and within ten feet of this line on each side.

Your commissioners unanimously agree in recommending that the rights of individuals having claims or titles to lands on either side of said boundary line, as ascertained, re-marked, and re-established by your commissioners, shall not in consequence thereof in anywise be prejudiced or affected, where said individuals have paid their taxes, in good faith, in the wrong State.

WILLIAM C. HODGKINS, [SEAL.]
Commissioner.
JAMES B. BAYLOR, [SEAL.]
Commissioner.
ANDREW H. BUCHANAN, [SEAL.]
Commissioner.

OCTOBER 13, 1902.

Report of the Treasurer of the Tennessee and Virginia Boundary Commission.

To the Honorable the Chief Justice and the Associate Justices of the Supreme Court of the United States:

The treasurer of the commission appointed by the decree of this honorable court, dated April 30, 1900, to re-establish the boundary between the States of Virginia and Tennessee, herewith submits the abstracts of the monthly expenditures of the entire work—ten in number—beginning May, 1901, and ending September, 1902, as follows:

No. 1. May 1901	$384.05
No. 2. June 1901	1083.75
No. 3. July 1901	1070.18
No. 4. August 1901	1197.76
No. 5. September 1901	1263.11
No. 6. October 1901	1565.63
No. 7. June 1902	262.13
No. 8. July 1902	1045.45
No. 9. August 1902	1245.34
No. 10. September 1902	358.59
	$9475.99
Amount chargeable to each State	4738.00

General Summary.

Remuneration of commissioners at $10 per day	$5730.00
Transportation to and from field	274.04
Transportation in field (about)	1085.58
Stone monuments	678.90
Labor, freight, etc.	1707.47
Total	$9475.99
Cash received from Virginia	$4737.99
Cash received from Tennessee	4738.00
Total	$9475.99

The above is respectfully submitted.

A. H. BUCHANAN,
Treasurer of the Boundary Commission.

J. C. W. United States Department of Agriculture, Bureau of Forestry, Washington, D. C.

Office of the Forester.

AUGUST 20, 1901.

This beech block came from the "offset" near its western end and just east of the "Shady road."

J. B. BAYLOR,
Commissioner.

Mr. J. B. Baylor, Tenn.-Va. boundary commission, Abingdon, Virginia.

DEAR SIR: Your letter of August 17, and also the beech block are at hand. In the absence of Mr. Sudworth, with whom your previous correspondence has been, I am glad to give you my opinion as to the questions stated in your letter.

Owing to the very slow growth of the tree, from which this block was cut, in early life, it is not possible to count the annual rings, even with the aid of a strong magnifier, with absolute certainty of accuracy. The results I have obtained show that its age in 1902 was 96 years, and that its diameter, not including bark, was about six inches, or about 6½ inches including the bark. There are five wounds shown in this block. Two of these

Monday, June 1st, 1903, Continued.

occurred, in my judgment, 43 years ago, or in the year 1858. The three older wounds I believe were made 99 years ago, or in 1802.

This beech block will be carefully stored away in this bureau.

Very truly, (Signed) OVERTON W. PRICE,
Acting Forester.

J. C. W. United States Department of Agriculture, Bureau of Forestry, Washington, D. C.

Division of forest investigation.

NOVEMBER 11, 1901.

This hemlock block came from near the eastern end of the "off-set line"—a short distance from where the marked trees end.

J. B. BAYLOR,
Commissioner.

Mr. J. B. Baylor, Tenn.-Va. boundary commission, Bloomingdale, Sullivan County, Tenn.

DEAR SIR: The hemlock blocks sent to this office some time ago have remained unexamined so long on account of my absence from the office. I regret to have thus delayed the answer so long.

I have just examined the specimens, and find that the deeper scar in the larger of the two specimens was made in the year 1802. Ninety-nine annual rings were formed since the scar was made. This year's growth is still in a formative stage.

The somewhat superficial scar in the smaller specimen was made in 1858, 42 annual rings having been laid on since the mark was made. The last season's growth is not complete.

As requested in your letter of Sept. 8, these blocks will be retained subject to further advices from you.

Very truly yours,
(Signed) GEO. B. SUDWORTH, *Chief.*

Property List Purchased for Field Outfit in the Boundary Survey.

3 saddles, bridles and blankets	$27.50
1 cooking stove and repairs	7.00
1 heating stove	2.25
8 joints of stovepipe	1.35
1 crowbar	.65
1 shovel	.85
1 grindstone	.90
6 axes	3.90
2 files	.20
4 lamps	1.00
1 saw (large)	1.35
1 trowel	.50
2 pairs of tree-climbers	3.50
1 cot	2.50
1 office table	2.50
1 dining table	1.00
Total	$56.95

Of the above at the close of the field-work the following were sold:

2 saddles	$3.00
2 stoves	2.50
2 tables	2.00
3 lamps	.50
1 grindstone	.50
1 saw	.75
2 axes	.65
1 cot	.50
1 shovel	.60
Total	$11.00

For the remainder, not worn out, purchasers could not be found without the delay of a commissioner in the field at a greater expense than they were worth. The proceeds of the sales made—$11.00—have been returned, one half to each State.

A. H. BUCHANAN, *Treasurer.*

1. T. Walter Bean et al., Appellants, vs. Gustav A. Schwab. It is ordered by the Court that this cause be and the same is hereby restored to the docket for reargument before a full Bench, and assigned for Monday, October 19th next, after the cases heretofore assigned for that day.

It is further ordered that a writ of certiorari issue to bring up the entire record and cause.

Per Mr. Chief Justice Fuller.

301. D. N. Holden et al., Appellants, vs. J. A. Stratton, Trustee. It is ordered by the Court that the further consideration of the motion to dismiss in this cause be, and the same is hereby, postponed until the hearing of the cause on its merits.

Per Mr. Chief Justice Fuller.

696. The Northern Securities Company et al. vs. The United States. Appellants,

On consideration of the motion to advance this cause, It is now here ordered by the Court that said motion be, and the same is hereby, granted, and the cause assigned for argument on Monday, December 14th next.

Per Mr. Chief Justice Fuller.

697. The Farmers' Loan & Trust Company, Trustee, vs. The Lake Street Elevated Railroad Company. Petitioner,

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, granted.

Per Mr. Chief Justice Fuller.

701. H. O. Johnson, vs. Southern Pacific Company. Petitioner,

On petition for writ of certiorari to the United States Circuit Courts of Appeals for the Eighth Circuit.

On consideration of the petition for a writ of certiorari,

for the Eighth Circuit, and of the argument of Counsel thereupon had, as well in support of as against the same. It is now here ordered by the Court that said petition be, and the same is hereby, granted.

Per Mr. Chief Justice Fuller.

693 James A. Gilbert Sheriff, for use of Andrew D. Bishop, Petitioner, vs. The American Surety Company of New York et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of Counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

693. American Sales Book Company et al., Petitioners, vs. Josephus Sullivant, Jr. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the

in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

698. Reid, Murdoch & Company, Petitioners, vs. The United States. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of Counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

699. John Holmes et al., Petitioners, vs. The Ship "Queen Elizabeth" &c., Charles E. Fulton, Claimant. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit and of the argument of Counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

700. F. B. Alcott et al., Petitioners, vs. Columbus Carbon Co. et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

709. The Delaware, Lackawanna & Western Railroad Company, Petitioner, vs. Elston E. Devore by Mary O. Neater, as guardian ad litem. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

56. Gertrude N. Hardin et al., Plffs in Error, vs. Charles B. Shedd.

146 & 265. The Board of Directors of the Chicago Theological Seminary, Plff in Error, vs. The People of the State of Illinois ex rel. Samuel B. Raymond, County Treasurer &c.

263. Mutual Reserve Fund Life Association, Appellant, vs. James S. Phelps et al.

It is ordered by the Court that motions for leave to submit petitions for rehearing be entered in these cases.

Mr. Chief Justice Fuller

724. Leo H. McCray, Plff in Error, vs. The United States.

On motion of Mr. William A. Day, Assistant to the Attorney General,

It is ordered by the Court that this cause be, and the same is hereby, advanced and assigned for argument with Cases Nos. 614, 615, and 616, as one case, on Monday, October 19th next.

614. The Delaware Indians residing in the Cherokee Nation, Appellants, vs. The Cherokee Nation.

Mr. J. Hemphill, of Counsel for the appellee, submitted to the consideration of the Court a motion to advance this cause.

717. William J. Buttfield, Plff in Error, vs. Nevada N. Stranahan, Executrix &c.

719. William J. Buttfield, Plff in Error, vs. George R. Bidwell.

Mr. Melville Church, in behalf of counsel for the plaintiff in error, submitted to the consideration of the Court motions to advance these causes.

8, Original. The State of Kansas, Complainant, vs. The State of Colorado.

On motion of Mr. C. C. Coleman, of counsel for the complainant, counsel for the defendant consenting thereto, It is now here ordered by the Court that leave be, and the same is hereby, granted to said complainant to file an amended bill of complaint herein on or before the 15th day of August next ensuing making additional parties defendant, and that subpoenas thereupon issue directed to said additional defendants commanding each of them to plead to said amended bill within sixty days after the service upon them respectively of said subpoenas, and the said State of Colorado is directed to plead to said amended bill on or before the 15th day of October, 1903.

Per Mr. Chief Justice Fuller.

219. The Territory of Hawaii, Appellant, vs. Osaki Mankichi. On motion of Mr. Alexander Porter Morse, in behalf of counsel for the appellee, it is ordered by the Court that the mandate in this cause be stayed and that leave be granted to submit a petition for rehearing herein.

357. Mary J. Lyon et al., Plffs in Error, vs. Margaret Gombret et al. On motion of Mr. William R. Harr, leave is hereby granted to withdraw from the transcript of record herein the original bond on writ of error and substitute a certified copy of the same.

635. Elmira Knepper vs. John A. Sands. The petition for a writ of certiorari herein to bring up the entire record and cause was submitted to the consideration of the Court by Mr. J. S. Stubbs, of counsel for Knepper.

644 The New York & Porto Rico Steamship Co., Plff in Error, vs. J. Ochea y Hermano &c.

645. The New York & Porto Rico Steamship Co., Plff in Error, vs. Successors of M. Lombar & Co. &c. On motion of Mr. James H. Hayden, of counsel for the plaintiff in error, leave is hereby granted him to file an additional brief

and to counsel for the defendants in error to file a reply thereto within five days thereafter.

720. Gavin Reid & Elmira Reid, Petitioners, vs. The Keene Five Cent Savings Bank et al. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. P. F. Garver, in support of the same, and Mr. William F. Guthrie, in opposition thereto.

727. Alfred N. Treece et al., Petitioners, vs. The American Association, Limited, et al. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Jerome Templeton, in support of the same, and Mr. Jesse L. Rogers, in opposition thereto.

230. William L. Snyder, Executor, vs. Pfl in Error; Bernard Bettman, Collector &c. On motion of Mr. J. E. Bowman, of counsel for the plaintiff in error, leave is hereby granted to submit a petition for a hearing herein.

Ex parte In the matter of L. L. Black et al. Mr. C. L. Herbert of counsel for the

led to the consideration of the Court a motion for leave to file a petition for writs of prohibition, injunction, and certiorari herein, and leave was granted the Solicitor General and Counsel for the Choctaw and Chickasaw Nations to submit briefs in opposition thereto.

714. J. Overton Dickinson & Samuel D. Thomas Executors, Petitioners, vs. The Consolidated Traction Company et al.

The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Charles J. Roe, Mr. J. A. Duffy and Mr. M. J. Southard, in support of the same, and Mr. John G. Johnson and Mr. Joseph Coult, in opposition thereto.

725. Henry Rauber et al., Petitioners, vs. John H. Kauffman.

The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. William E. Gavin, in support of the same, and Mr. J. E. McKeighan, Mr. Shepard Barclay, and Mr. M. F. Watts, in opposition thereto.

N. F. Whitecomb & Howard Morris, Receivers &c.,
v. Petitioners,
793. Ohio Coal Company.

The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. William F. Vilas, in support of the same.

Order.

It is now here ordered by the Court that all the cases on the docket not disposed of and all the other business of the term not disposed of by the Court be, and the same are hereby, continued until the next term of the Court.

Proclamation being made the Court is adjourned to the time and place appointed for the

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At the Capitol of the United States, in the City of Washington and District of Columbia, being the present seat of the National Government of the United States, on the second Monday of October (being the twelfth day of the same month) in the year of our Lord one thousand nine hundred and three, and of the Independence of the United States the one hundred and twenty-eighth, the Supreme Court of the United States met agreeably to law.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Hoyt it is ordered that John M. Coit, Esquire, of Washington, District of Columbia, and George Whitney Moore, Esquire, of Detroit, State of Michigan, be admitted to practice, and

Minutes of the Supreme Court of

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d J. Brewer,
y B. Brown,
rd D. White,
H. Peckham,

were sworn accordingly.

On motion first made to the Court in this behalf by Wm. Frank W. Hackett it is ordered that William H. Spencer and Thomas M. B. Hicks, Esquires, of Williamsport, State of Pennsylvania, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Melville Church it is ordered that Archibald Cox, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joel F. Vail it is ordered that Clyde C. Dawson, Esquire, of Union City, Charles C. Goodale, Esquire, of Laman, and Frederick A. Williams and Halsted L. Ritter, Esquires, of Denver, State of Colorado, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. O. J. Himberly it is ordered that Frederick C. Foster, Esquire, of Madison, State of Georgia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. Wickham Smith, it is ordered that Julius J. Frank, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. N. C. Miller it is ordered that Sidney M. Sherman and H. S. Webb, Esquires, of San Francisco, State of California, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John G. Elliott it is ordered that David K. Tone, Esquire, and George Gillette, Esquire, of Chicago, State of Illinois, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

The Chief Justice announced that all motions noticed for to-day would be heard to-morrow and that the Court would commence the call of the docket to-morrow pursuant to the 46th rule.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Tuesday, October 2nd, 1900.

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Jesse H. Whitaker, it is ordered that John R. Nolan, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederic D. McKenney it is ordered that A. Leo Everett, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Ridout it is ordered that Clarence D. Moser, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and, he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. S. M. Stockslager it is ordered that Edward E. Clement Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. B. Cruikshank it is ordered that James M. Dunby, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joel F. Vaile, it is ordered that Clayton C. Dorsey, Esquire, of Denver, State of Colorado, and Thomas F. Bayard, Esquire, of Wilmington, State of Delaware, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. B. Browne it is ordered that John D. Drum, Esquire, of San Francisco, State of Califor

Washington, District of Columbia, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. F. C. Prichard, it is ordered that Robert von Moschzisker, Thomas S. Gates, Mundock Kendrick, and Charles A. Sayre, Esquires, of Philadelphia, State of Pennsylvania, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

439. Jueng Juen Ho, vs. The United States. In Error, to

Mr. Solicitor General Hoyt, of Counsel for the defendant in error, having filed in open Court the following certificate, to wit:

"United States Circuit Court of Appeals,
For the Ninth Circuit.

I, Frank D. Monckton, Clerk of the United States Circuit Court of Appeals for the Ninth Circuit, do hereby certify that in a certain cause pending in said Court wherein Jueng Juen Ho was plaintiff in error and The United States of America was defendant in error a final judgment was rendered by said Court on the 6th day of October A.D. 1902, in favor of the said United States of America, and against the said Jueng Juen Ho, and that on the 5th day of January, A.D. 1903, said Jueng Juen Ho sued out a writ of error to

to remove said cause to the Supreme Court of the United States.

In testimony whereof I hereunto subscribe my name and affix the seal of said United States Circuit Court of Appeals, at San Francisco, California, this 4th day of August, A.D. 1903.

(Seal)

F. D. Monckton,
Clerk."

Moved the Court to docket and dismiss this cause pursuant to the 6th rule: and it appearing to the Court that the plaintiff in error has failed to have this cause filed and docketed in conformity with the Rules of this Court, It is now here ordered and adjudged by this Court that the writ of error in this cause to the United States Circuit Court of Appeals for the Ninth Circuit be, and the same is hereby, docketed and dismissed; and that this cause be, and the same is hereby remanded to the said United States Circuit Court of Appeals to be proceeded in according to law and justice.

Per Mr. Chief Justice Fuller.

1145. The United States of America, vs. The Northern Pacific R.R.Co., et al. Mr. Solicitor General Hoyt submitted to the consideration of the Court a motion to reassign this cause for argument.

1117. Harry Donovan et al., Petitioners, vs. Pennsylvania Company. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. James R. Ward, in support of the same, and Mr. Edgar A. Bancroft and Mr. C. F. Loesch, in opposition thereto.

393 & 394. Willcox & Gibbs Sewing Machine Co., Petitioner, vs. Thomas B. Sherborne, Jr., et al. The petitions for writs of certiorari herein were submitted to the consideration of the Court on printed arguments by Mr. Hubert Howson, Mr. Preston K. Erdman and Mr. George Tucker Bispham, in support of the same, and Mr. Frank P. Prichard and Mr. John G. Johnson, in opposition thereto.

387. The Louisville Trust Co., Receiver &c., Appellant, vs. Stuart R. Knott et al. On motion of Mr. H. A. Herbert, in behalf of counsel, It is ordered that this cause be, and the same is hereby, advanced pursuant to the 32d Rule.

387. The Louisville Trust Co., Receiver &c., Appellant, vs. This cause was submitted to the consideration of the

printed arguments by Mr. John L. Dodd, Mr. David W. Baird, and Mr. Aaron Kohn, of counsel for the appellant, and Mr. Alexander Pope Humphrey and Mr. James P. Helm, of counsel for the appellees.

1116. Julius George Hoeke et al, Petitioners, vs. New York Central & Hudson River Railroad Co. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Arthur V. Briesen, in support of the same, and Mr. Robert J. Fisher, in opposition thereto.

1170. The U.S. ex rel. The Regina Music Box Company, Petitioner, vs. Frederick I. Allen, Commissioner of Patents. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed argument by Mr. Antonio Knauth, in support of the same, and leave was granted counsel for the respondent to file a brief in opposition thereto on or before Friday next.

152. Robert A. Shrewbrough, Plff in Error, vs. The United States. Mr. A. W. Van Dyke, in behalf of counsel for the plaintiff in error, submitted to the consideration of the Court a motion to reassign this cause,

43. George L. Thomas, Plff in Error, vs. The United States. Mr. N. W. Van Dyke, in behalf of counsel for the plaintiff in error, submitted to the consideration of the Court a motion to assign this cause for argument.

225. Isabella Gonzales, Appellant, vs. William Williams, U.S. Commissioner of Immigration. Mr. N. W. Van Dyke, in behalf of counsel for the appellant, submitted to the consideration of the Court a motion to reassign this cause for argument.

14. Czarnikow, MacDougall & Co., Limited, Plff in Error, vs. George R. Bidwell, Collector. Mr. N. W. Van Dyke in behalf of counsel for the plaintiff in error, submitted to the consideration of the Court a motion to assign this cause for argument.

331. Warner, Barnes & Co., Limited, Plff in Error, vs. Nevada N. Stranahan. Mr. N. W. Van Dyke, in behalf of counsel for the plaintiff in error, submitted to the consideration of the Court a motion to advance this cause.

403. Alexis M. Salliotte, Petitioner, vs. The King Bridge Co. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. George Whitney Moore and Mr. George William Moore, in support of the same, and Mr. Michael Brennan and Mr. John C. Donnelly, in opposition thereto.

404. George Whitney Moore et al, Petitioners, vs. A. B. Hammond et al, The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. George Whitney Moore and Mr. George William Moore, in support of the same, and Mr. John N. Mitchell, in opposition thereto.

425. Caroline G. Roth, Executrix &c., Petitioner, vs. Mutual Reserve Life Ins. Co. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. F. A. Bacon and Mr. J. E. McKeighan, in support of the same, and Mr. James C. Jones, in opposition thereto.

387. Henry Muhlker, Plff in Error, vs. The New York & Harlem The motion to advance this cause was submitted to the consider

Mr. A. B. Cruikshank, Mr. James C. Bushby and Mr. Henry G. Atwater, in support of the same, and Mr. Ira A. Place and Mr. Thomas Emery, in opposition thereto.

1136. Jane Bryson, Admx &c., et al., vs. The Ocean Steamship Co. Petitioners, The petition for a writ of certiorari, herein was submitted to the consideration of the Court on printed arguments by Mr. Henry Galbraith Ward and Mr. J. J. Macklin, in support of the same, and Mr. Julien T. Davies, in opposition thereto.

437. James Arthur, vs. The Baron de Hirsch Fund. Petitioner The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Henry Galbraith Ward, in support of the same, and Mr. Julius J. Frank and Mr. George W. Wickersham, in opposition thereto.

229. Martha Raphael, Admx &c., vs. Spencer Trask et al., Appellant, The motion to advance this cause for oral argument was submitted to the consideration of the Court by Mr. Charles Lockie Easton, in support of the same, and Mr. Edward M. Shepard, in opposition thereto.

193. M. J. Coventry et al., Plffs in Error, vs. J. W. Davis et al.) By motion to dismiss this cause was submitted to the consideration of the Court on the record and printed arguments by Mr. J. D. McElvenny, in support of the same, and Mr. Eugene F. Ware, in opposition thereto.

10, Original. The United States, Complainant, vs. The State of Michigan, Defendant herein.) On motion of Mr. Henry E. Chase, leave is hereby granted to file the Answer of the

496 P. L. Flanigan, Petitioner vs. The County of Sierra) The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. J. C. Campbell, in support of the same, and leave was granted counsel for the respondent to file a brief in opposition thereto.

497. D. E. Wheeler et al., Petitioners vs. The County of Sierra.) The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. J. C. Campbell, in support of the same, and Mr. W. S. Webb, in opposition thereto.

271. The Exchange Bank of Macon, Petitioner, vs. E. L. Clayton et al., Trustees. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. O. J. Wimberly and Mr. A. O. Bacon, in support of the same, and Mr. Frederick C. Foster, in opposition thereto.

11, Original. State of Louisiana, Complainant, vs. State of Mississippi, Defendant. On motion of Mr. Fred Beall, in behalf of counsel for the defendant, leave is hereby granted to file the Answer and Cross-Bill of the defendant herein.

1411. Mutual Reserve Life Insurance Company, Petitioner, vs. Thomas Ferenbach, Executor. The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. James C. Jones, in support of the same.

102. Antoinette B. Kinney et al., Appellants, vs. The Columbia Savings & Loan Association. This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Charles S. Varian and Mr. Franklin S. Richards, of counsel for the appellants,

sants, and Mr. J. Norman, of Counsel for the Appellee.

363. Supreme Council, American Legion of Honor, Petitioner, vs. Joseph C. Black, Admr. &c. And

364. Supreme Council, American Legion of Honor, Petitioner, vs. William H. Henderson. The petitions for writs of certiorari, herein were submitted to the consideration of the Court on printed arguments by Mr. Frank P. Prichard and Mr. Murdock Kendrick, in support of the same, and Mr. Charles H. Sayre and Mr. George Henderson, in opposition thereto.

407. The Berwind-White Coal Mining Co., Petitioner, vs. John C. Martin. The petition for a writ of certiorari, herein was submitted to the consideration of the Court on printed arguments by Mr. Frank P. Prichard, in support of the same, and Mr. Rudolph M. Schieck, in opposition thereto.

295. Andrew J. Davis, vs. Hiram R. Mills et al. The motion for a writ of certiorari to bring up the entire record and cause herein, was submitted to the consideration of the Court

same, and Mr. John A. Shellon, in opposition thereto, and leave was granted Mr. Hyde to file a brief in reply on or before Friday next.

52. La Republique Francaise et al., Petitioners, vs. Saratoga Vichy Spring Co. On motion of Mr. Archibald Hopkins leave is hereby granted him to withdraw his appearance as counsel for the petitioners herein.

4, Original. The State of Missouri, Complainant, vs. The State of Illinois et al. On motion of Mr. William C. Prentiss, in behalf of counsel for all the parties, leave is hereby granted to file the preliminary report of the Commissioner herein, and it is ordered by the Court that the time for taking testimony herein be extended to January 1st, 1904.

366. The Northern Pacific Railway Company, Plff in Error, vs. William D. Ely et al. Mr. A. B. Browne, in behalf of counsel, for the plaintiff in error, submitted to the consideration of the Court a motion for leave to amend the petition for the writ of error or to dismiss the writ of error herein.

391.

571 of

430.

329.

John W. Warren,
vs. Petitioner,
The Central Trust Co., of
New York et al.

The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. D. J. Walsh, in support of the same, and Mr. A. H. Joline and Mr. A. H. Van Brunt, in opposition thereto.

William K. Tubman,
No. 47. 1902. vs. Plff in Error,
The Baltimore & Ohio Rail-
road Company et al.

Mr. William A. Meloy, of counsel for the plaintiff in error, submitted to the consideration of the Court a motion to recall the mandate issued herein.

Reading Company,
vs. Petitioner,
Walter D. Munson.

The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Robert M. Morse, Mr. Henry M. Rogers, and Mr. William M. Richardson, in support of the same, and Mr. Eugene P. Carver and Mr. E. Blodgett, in opposition thereto.

Charles N. Wamelink,
vs. Plff in Error,
Jamie E. Normant et al.

Mr. Thomas P. Woodward, in behalf of counsel for the defend-

to the consideration of the Court a motion to advance this cause:

State of Louisiana, Complainant,
11, Original. vs.
State of Mississippi.

On motion of Mr. Alexander Porter Morse, of Counsel for the Complainant, leave is hereby granted the Complainant to file Answer to the Cross-Bill herein within sixty days.

P. Walter Beam, The Bridal Veil Electric Company and David Swickheimer,
1. vs. Appellants,
Gustav A. Schwab.

On a certificate from and writ of Certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

It appearing to the Court from a certificate of the Clerk of the United States Circuit Court of Appeals for the Eighth Circuit filed herein that the appeal to that Court in this cause has been dismissed by stipulation of the parties, Therefore, It is now here ordered, adjudged, and decreed by this Court that the certificate and the writ of certiorari in this cause be, and the same are hereby, dismissed with costs.

Per Mr. Chief Justice Fuller.

am Van Pelt
vs. Plff in Error,
eople of the State
ichigan.

In Error to the Supreme Court of the State of Michigan.

pearing to the Court that a stipulation of
el for the respective parties to dismiss
rit of error in this cause has been filed,
fore, in pursuance of said stipulation,
now here ordered and adjudged by this
that the writ of error in this cause be, and
ame is hereby, dismissed.

Per Mr. Chief Justice Fuller.

da Schradsky
vs. Plff in Error,
oard of County Com-
ners of the County of

In Error to the Circuit Court of the United States for the District of Colorado.

earing to the Court that counsel for the
ff in error has authorized the dismissal
rit of error in this cause, Therefore, in
ance of said authorization, It is now
ered and adjudged by this Court that
it of error in this cause be, and the same
y, dismissed with costs.

Per Mr. Chief Justice Fuller.

7. Houghton E. James et al., Appellants, v. The Germania Iron Co.
8. James Belden, Appellant, v. The Midway Company.

On motion of Mr. A. B. Browne, in behalf of counsel, It is ordered by the Court that these cases be, and they are hereby, passed temporarily.

11. James N. Hughes, Plff in Error, v. R. B. Kepley et al.

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. P. F. Garver, of counsel for the plaintiff in error, and Mr. N. A. Loomis, of counsel for the defendants in error.

15. Veder B. Paine, Appellant, v. John Foster et al, Trustees &c.

Appeal from the Supreme Court of the Territory of Oklahoma.

This cause having been called for hearing in its regular order, and it appearing to the Court that the parties have failed to print the transcript of the record, It is, therefore, in pursuance of the 10th rule of this Court, now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Fuller.

6. Alice R. Moshenvel et al., vs. The District of Columbia. (Plffs in Error,) The rearguments of this cause was commenced by Mr. C. C. Tucker, of Counsel for the plaintiffs in error, continued, by Mr. Andrew B. Duvall, of Counsel for the defendant in error, and concluded by Mr. Henry E. Davis, of Counsel for the plaintiffs in error.

10. The Douglas Company, vs. A. F. Stone, late Treasurer &c. Appellant, This cause was argued by Mr. Daniel Trigg of Counsel for the appellant, and Mr. William A. Anderson, of Counsel for the appellee.

12. Robert R. Wright, Jr., as Mayor &c., vs. Ellen Teresa Morgan et al. (Plff in Error,) The argument of this cause was commenced by Mr. Frederick A. Williams, of Counsel for the plaintiff in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Wednesday, October 14th, 1903.

Pursuant to adjournment the Court met to-day at the Capitol.

Present:

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.
John Montgomery Wright, Esquire, Marshal.
James Hall McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. A. W. VanDyke it is ordered that Alfred Hayes, Jr., Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joel F. Vaile it is ordered that Andrew W. Gillette, Esquire, of Denver, State of Colorado, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Thomas L. Bedford et al, Appellants,
vs.
The United States.

On motion of Mr. Solicitor General Hoyt, It is ordered by the Court that this cause and the same is hereby, passed temporarily.

The State of Kansas, Complainant,
vs.
The State of Colorado et al.

On motion of Mr. Joel F. Vaile, of Counsel, leave is hereby granted to file the answers of The State of Colorado and The Graham Ditch Company to the amended bill of complaint herein.

F. Hardeman and T. E. Hardeman,
Plffs in Error,
vs.
Katie Turner and Hattie Belle Samuels.

In Error to the United States Circuit Court of Appeals for the Eighth Circuit.

This cause having been called for hearing in its regular order, and it appearing to the Court that this is the second term at which this cause has been called for argument, and that neither party is now prepared to argue the same, It is considered by the Court that this cause should be dismissed at the costs of the plaintiffs in error, pursuant to the 19th Rule of this Court. Whereupon, It is now here ordered and adjudged by this Court that the writ of error in-

with costs.

Per Mr. Chief Justice Fuller.

16. The Choctaw, Oklahoma & Gulf Railroad Co., Plff in Error, vs. Laura Louise McDade et al.

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. J. W. McLoud, of counsel for the plaintiff in error, and Mr. G. T. Fitzhugh, of counsel for the defendants in error.

13. Robert R. Wright, Jr., as Mayor &c., Plff in Error, vs. Ellen Teresa Morgan et al.

Reargument of this cause was continued by Mr. Clayton C. Dorsey, of counsel for the plaintiff in error, and concluded by Mr. N. L. Ritter, of counsel for the plaintiff in error.

14. Bert Ross, Appellant, vs. Martin Aguirre, Warden &c.

This cause was argued by Mr. W. S. Webb, of counsel for the appellee, argument by Mr. Bradwell, of counsel for the appellant, and submitted on a printed brief by Mr. W. C. Van Fleet and Mr. W. B. [illegible], of counsel for the appellant.

90. The United States, Plff in Error, vs. The Denver & Rio Grande Railroad Co.

This cause was argued by Mr. M. G. Burch, of counsel for the Plaintiff in error, and Mr. Joel F. Vaile, of counsel for the defendant in error.

94. The Peoples National Bank of Lynchburg, Virginia, Appellant, vs. Morton Marye, Auditor &c. appellant.

The argument of this cause was commenced by Mr. John N. Lewis, of counsel for the

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Thursday, October 15th, 1903.

Pursuant to adjournment the Court met to-day at the Capitol.

Present.

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.
John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened,

On motion first made to the Court in this behalf by Mr. James G. Flanders it is ordered that L. M. Stubblewant, Esquire, of Madison, State of Wisconsin, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William G. Beale it is ordered that W. S. Oppenheim, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. M. Hewlett it is ordered that W. H. Green, Esquire, of Charlotte, State of North Carolina, be, admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

221. August Cliff, Plff in Error, vs. The United States
222. Frederick J. Schiek, Plff in Error vs. The United States.
223. William Broadwell, Plff in Error, vs. The United States.
301. Leo W. McCray, Plff in Error, vs. The United States.

On motion of Mr. Solicitor General Hoyt, and by request of Counsel for the plaintiffs in error, It is now here ordered by the Court that these cases be, and they are hereby, re-assigned for argument on Monday, November 30th. next.

24. The Peoples' National Bank of Lynchburg, Virginia, vs. Morton Marye, Auditor &c. Appellant,

The argument of this Cause was continued by Mr. John H. Lewis, of Counsel for the appellant, and Mr. William A. Anderson, of Counsel for the appellee, and concluded by Mr. John D. Horsley, of Counsel for the appellant.

25. John M. Ward, vs. Moses A. Sherman et al. Appellant,

The argument of this Cause was commenced by Mr. A. A. Hockling, Jr., of Counsel for the appellant.

Proclamation being made the Court is adjourned until

Tuesday, October 16th, 1900.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. J. J. Darlington it is ordered that Solon G. Wilson, Esquire, of Bartow, State of Florida, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

25. John M. Hardy, Appellant, v. Moses A. Sherman et al.

The argument of the cause was continued by Mr. A. A. Hocking, of counsel for the appellant, and Mr. Charles F. Ainsworth, of counsel for the appellees, and concluded by Mr. A. B. Browne of counsel for the appellant.

27. J. W. Allen, Comptroller &c., Plff in Error, vs. Pullman's Palace Car Co. — This cause was argued by Mr. John J. Vertrees, of Counsel for the Plaintiff in error, and Mr. William Burry, of Counsel for the defendant in error.

28. Alice A. Cable, Admix &c., Petitioner, vs. The United States Life Insurance Co. of New York City — The argument of this cause was commenced by Mr. W. D. Oppenheim, of Counsel for the petitioner.

(Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Friday, October 16th, 1903.

Pursuant to adjournment the Court met to-day at the Capitol.

Present:

The Honorable Melville W. Fuller, Chief Justice
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr. J. J. Darlington it is ordered that Solon G. [illegible], Esquire, of Bartow, State of Florida, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

25. John M. Ward, Appellant, v. Moses A. Sherman et al.

The argument in this cause was concluded by Mr. A. A. Hoehling, of counsel for the appellant, and Mr. Charles F. Ainsworth, of counsel for the appellees, and concluded by Mr. A. B. [illegible], of counsel for the appellant.

27. J. W. Allen, Comptroller &c., Plff in Error, vs. Pullman's Palace Car Co. This cause was argued by Mr. John J. Vertrees, of counsel for the plaintiff in error, and Mr. William Burry, of counsel for the defendant in error.

28. Alice A. Cable, Admix &c., Petitioner, vs. The United States Life Insurance Co. of New York City. The argument of this cause was commenced by Mr. W. S. Oppenheim, of counsel for the petitioners.

(Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Friday, October 16th, 1903.

Pursuant to adjournment the C
met to-day at the Capitol.

Present:

The Honorable Melville W. Fuller, Chief J
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is open

On motion first made to the Court in this be
M. J. J. Darlington it is ordered that Solon G.
Esquire, of Bartow, State of Florida, be admi
to practice as an attorney and counsellor
this Court and he was sworn accordingly

25. John M. Ward, Appellant,
v.
Moses A. Sherman et al.

The argument
cause was con
by Mr. A. A. Hoc
of counsel for
pellant, and Mr. Charles F. Ainsworth, of co
for the appellees, and concluded by Mr. A.
of counsel for the appellant.

27. J. W. Allen, Comptroller &c., Plff in Error,
vs.
Pullman's Palace Car Co.

This cause was argued by Mr. John J. Vertrees, of counsel for the plaintiff in error, and Mr. William Burry, of counsel for the defendant in error.

28. Alice A. Cable, Admix &c., Petitioner,
vs.
The United States Life Insurance Co. of New York City.

The argument of this cause was commenced by Mr. H. S. Oppenheim, of counsel for the petitioner.

(Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday, October 19th, 1903.

Pursuant to adjournment the Court met to-day at the Capitol.

Present:

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. A. B. Browne it is ordered that William J. Orr, Esquire, of West Plains, State of Missouri, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. S. Knight it is ordered that Cyrus D. Baskins, Esquire, of New York City, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

12.

On motion first made to the Court in this behalf by Mr. L. P. Michener it is ordered that Horace E. Smith, Esquire, of Indianapolis, State of Indiana, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. W. Billson it is ordered that Henry Oldenburg, Esquire, of Carlton, State of Minnesota, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Joseph J. Martin, Alfred, J. Fuller, and Thomas B. Skinner, partners, trading as Martin, Fuller & Company, Petitioners, vs. The Steamship "Southwark", (Owned by the International Navigation Company is owner.)

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit and was argued by Counsel. On consideration whereof, it is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals and the decree of the District Court of the United States for the Eastern Dis-

same are hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said District Court with directions to enter a decree in favor of the libellants.

Per Mr. Justice Day.

Gertrude V. Hardin et al.,
56 of Oct. T. 1902. vs. Riffs in Error,
Charles B. Shedd.)

The Board of Directors of the Chicago Theological Seminary,
110 & 265 of Oct. T. 1902. vs. Riffs in Error,
The People of the State of Illinois ex rel. Samuel B. Raymond, County Treasurer &c.)

The Territory of Hawaii,
214 of Oct. T. 1902. vs. Appellant,
Oscar Mankichi.

Mutual Reserve Fund Life Association, Appellant,
263 of Oct. T. 1902. vs.
James S. Phelps et al.)

It is ordered by the Court that the motions for leave to file petitions for rehearing in these cases be, and the same are hereby, denied.

Per Mr. Chief Justice Fu

233. Elmina Knepper,
vs.
John A. Sands.

On consideration of the petition for a writ of Certiorari to bring up the entire record in this cause, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

235. Andrew L. Davis, Pl'ff in Err'r, vs. Hiram R. Mills et al. On consideration of the petition for a writ of certiorari to bring up the entire record in this cause, and of the argument of counsel thereupon had as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

240. The Delaware Indians residing in the Cherokee Nation, Appellants, vs. The Cherokee Nation. On consideration of the motion to advance this cause, It is now here ordered by the Court that said motion be, and the same is hereby, granted, and the cause assigned for argument on Monday, November 30th next, at the head of the call for that day.

Per Mr. Chief Justice Fuller.

241. The New York & Porto Rico Steamship Co., Aff'in Err'r, vs. J. Ochoa y Hermanos &c. The New York & Porto Rico Steamship Co., Aff'in Err'r, vs. Successors of M. Lombard Co. It is ordered by the Court that the further consideration of the motions to dismiss in these cases be postponed until the hearing of the cases on their merits.

Per Mr. Chief Justice Fuller.

294. William J. Bidwell, Plff in Error,
vs.
Nevada N. Stranahan, Collector &c.

296. William J. Bidwell, Plff in Error,
vs.
George R. Bidwell.

On consideration
the motions
range these ca
It is now
ordered by the
that said mo
be, and the sa
are hereby, granted, and the cases assigned
argument on Monday, January 11 next.

Per Mr. Chief Justice Fuller.

574 of Oct. T. 1902. William K. Tubman, Plff in Error,
vs.
The Baltimore & Ohio Railroad Co., et al.

On consideration
motion to recall
mandate in this
cause, It is no
here ordered by
Court that said motion be, and the same is
hereby, denied.

Per Mr. Chief Justice Fuller.

14. Czarnikow, MacDougall & Co., Limited, Plff in Error,
vs.
George R. Bidwell, Collector &c.

331. Manner, Barnes & Co. Limited, Plff in Error,
vs.
Nevada N. Stranahan.

On consideration
of the motions
assign case N
14 and to adv
case No. 331,
It is now h
ordered by the
Court that the
cases be, and they are hereby, assigned for a
gument together on Monday, November 3rd
next, after the cases heretofore assigned for

that day.

Per Mr. Chief Justice Fuller.

152. Robert A. Chesebrough, Plff in Error, vs. The United States.

43. George C. Thomas, Plff in Error, vs. The United States.

103. Spreckels Sugar Refining Co., Plff in Error, vs. Penrose A. McClain, Collector &c.

On consideration of the motion to reassign case No. 152 and to assign case No. 43, and of the suggestion of the Solicitor General submitted thereupon,

It is now here ordered by the Court that these cases be, and they are hereby, assigned for argument on Monday, November 30th next, after the cases heretofore assigned for that day.

Per Mr. Chief Justice Fuller.

225. Isabella Gonzales, Appellant, vs. William Williams, U.S. Commissioner of Immigration.

On consideration of the motion to reassign this cause,

It is now here ordered by the Court that this cause be, and the same is hereby, reassigned for argument on Monday, November 30th next, after the cases heretofore assigned for that day.

Per Mr. Chief Justice Fuller.

1165. The United States of America,
v.
The Northern Pacific Railroad Company et al.,

By consid
of the mot
reassign
It is no
ordered by
that this cause be, and the same is here
assigned for argument on Monday,
11, 1904, after the cases heretofore assig
that day.

Per Mr. Chief Justice

163. M. J. Coventry et al.,
v. Appeals in Error,
J. W. Davis et al.

It is ordered
Court that th
consideration
motion to d
therein be postponed until the hearing
cause on its merits.

Per Mr. Chief Justice

224. Martha Raphael, Admx.,
v. Appellant,
Spencer Trask et al.,

On consider
of the moti
advance th
for oral ar

It is now here ordered by the Court that
motion be, and the same is hereby, denied
the case will be taken on printed briefs if
shall be so advised.

Per Mr. Chief Justice Fu

329. Charles A. Wimmehle, Plff in Error, vs. Mamie E. Normentetal. On consideration of the motion to advance this cause, it is now here ordered by the Court that said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

387. Henry Muhlker, Plff in Error, vs. The New York & Harlem Railroad Co., et al. On consideration of the motion to advance this cause, it is now here ordered by the Court that said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

366. The Northern Pacific Railway Company, Plff in Error, vs. William S. Ely et al. It is ordered by the Court that this cause be heard with case No. 392 and that the motion to amend the petition for the writ of error or to dismiss the writ of error be postponed until the hearing of the cases.

Per Mr. Chief Justice Fuller.

271. The Exchange Bank of Macon, Petitioner, vs. E. L. Clayton et al, Trustees &c. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

On consideration of the petition

herein to the United States Circuit Court of
for the Fifth Circuit, and of the argument
thereupon had, as well in support of as
the same, It is now here ordered by the
that said petition be, and the same is hereby

per Mr. Chief Justice

291. J. Overton Dickinson et al., Petitioners, vs. The Consolidated Traction Company et al. On petition for writ of
tiorari to the
Circuit Court of
for the Third

On consideration of the petition for a writ of
herein to the United States Circuit Court of
for the Third Circuit, and of the argument
sel thereupon had, as well in support of as
the same, It is now here ordered by the Court
said petition be, and the same is hereby

per Mr. Chief Justice

297. Gavin Reid et al., Petitioners, vs. The Keene Five Cent Savings Bank et al. On petition for
tiorari to the
Circuit Court of
for the Eighth

On consideration of the petition for a writ of
herein to the United States Circuit Court of
the Eighth Circuit, and of the argument of
thereupon had, as well in support of as against
same, It is now here ordered by the Court that
petition be, and the same is hereby denied.

per Mr. Chief Justice

300. A. T. Wilcomb and Howard Morris, Receivers &c. v. Ohio Coal Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

302. Henry Rauden et al., v. John W. Kauffman. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

304. Alfred N. Treece et al., Petitioners, vs. The American Association, Limited, et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the arguments of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

363. Supreme Council, American Legion of Honor, Petitioner, vs. Joseph C. Black, Administrator of the estate of Hugh W. Black, deceased. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the arguments of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

364. Supreme Council, American Legion of Honor, Petitioner, vs. William N. Henderson. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

On consideration of the petition for a writ of certiorari, herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of Counsel thereupon had, as well in support of as against the same, It is now hereordered, by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

391. John M. Warren, Petitioner, vs. The Central Trust Company of New York et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

On consideration of the petition for a writ of certiorari, herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of Counsel thereupon had, as well in support of as against the same, It is now hereordered by the Court that said petition be, and the same is hereby denied.

Per Mr. Chief Justice Fuller.

343. Willcox & Gibbs Sewing Machine Company, Petitioner, vs. Thomas B. Sherborne, Jr., et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

344. Willcox & Gibbs Sewing Machine Company, Petitioner, vs. Thomas B. Sherborne, Jr., et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

407.	The Berwind-White Coal Mining Company, Petitioner, vs. John C. Martin.	On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

408.	Alexis M. Salliotte, Petitioner, vs. The King Bridge Company.	On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

404. George Whitney Moore and George William Moore, Petitioners, vs. A. B. Hammond and The Astoria Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

411. Mutual Reserve Life Insurance Company, Petitioner, vs. Thomas Ferrenbach, Executor of the estate of Jacob Lambert, deceased. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel in support of the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

Julius George Stoeckel and Joseph Babbitt Mockridge, Petitioners, vs. New York Central & Hudson River Railroad Company. On petition for writ of Certiorari to the United States Circuit Court of Appeals for the Second Circuit.

In consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

The United States ex rel. The Regina Music Box Co., Petitioner, vs. Frederick I. Allen, Commissioner of Patents. On petition for writ of Certiorari to the Court of Appeals of the District of Columbia.

In consideration of the petition for a writ of certiorari herein to the Court of Appeals of the District of Columbia, and of the argument of counsel thereupon had, as well in support of as against the same, It is now ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

	Caroline G. Roth, Executrix of the Estate of Margaret Roth, deceased, Petitioner, vs.	On petition for writ of Certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.
475.	Mutual Reserve Life Insurance Company.	

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

	Reading Company, Petitioner, vs.	On petition for writ of Certiorari to the United States Circuit Court of Appeals for the First Circuit.
1130.	Walter D. Munson.	

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

436. Jane Bryson, Administratrix &c. of John Bryson, deceased, etal, Petitioners, vs. The Ocean Steamship Company of Savannah, owner of the Steamship City of Augusta. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and the argument of counsel thereupon had as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

437. James A. Arthur, Petitioner, vs. The Baron de Hirsch Fund. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

Henry Donovan et al., Petitioners, vs. Pennsylvania Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

417.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of Counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, granted.

Per Mr. Chief Justice Fuller.

P. L. Flanigan, Petitioner, vs. The County of Sierra. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

426.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of Counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, granted.

Per Mr. Chief Justice Fuller.

D. E. Wheeler and D. O. Ridenour, Petitioners,
Partners as Wheeler & Ridenour,
1127. v.
The County of Humas.

On Petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby denied.

Per Mr. Chief Justice Fuller.

The Douglas Company,
10. vs. Appellant;
A. F. Stone, late Treasurer of Smyth County, Virginia.

Appeal from the Circuit Court of the United States for the Western District of Virginia.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western District of Virginia, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Fuller.

11. James M. Hughes, Plff in Error, vs. R. B. Kepley and F. W. Fleischer. In Error to the Supreme Court of the State of Kansas.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Kansas, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

12. Original. Ex parte In the matter of W. S. Jones, Petitioner. On motion of Mr. William J. Bruce, of counsel for the petitioner, leave is hereby granted to file a demurrer to the return to rule herein and an additional brief for the petitioner.

1443. The Ocean Steam Navigation Company, Limited, Claimant &c., Petitioner, vs. John W. Aitken et al., and The Insurance Co. of North America et al. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Everett P. Wheeler in support of the same, and Mr. Wilhelmus Mynderse and Mr. Edmund L. Baylies, in opposition thereto.

337, 338. Jackson N. Giles, Plff in Error, vs. Charles B. Teasley et al. And Dan Rogers, Plff in Error, vs. The State of Alabama. The motion to consolidate the cases was submitted to the consideration of the Court by Mr. Wilford H. Smith, in support of the same, and Mr. W. A. Gunter, of counsel for the defendants in error in Cases Nos. 337 and 338, in opposition thereto.

407. Southern Electric Railway Company, Petitioner, vs. Cora Hageman. The petition for a writ of certiorari and motion to strike out certain parts of the response to the petition herein were submitted to the consideration of the Court on printed arguments by Mr. Waller N. Saunders, Mr. W. F. Boyle, and Mr. F. W. Lehmann, in support of the same, and Mr. Seneca N. Taylor, in opposition thereto.

413. Patrick Clark et al., Petitioners, vs. The Buffalo Hump Mining Company et al. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. W. P. Hall, in support of the same, and Mr. W. B. Heyburn, in opposition thereto.

428. E. N. A. Lake, Petitioner, vs. S. A. Rush, Trustee &c. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. W. P. Stoll and Mr. Geo. Turner, in support of the same, and Mr. Adolf G. Wolf, in opposition thereto.

431. William N. Chisholm et al., Petitioners, vs. Mary A. Hall & Frances C. Strong, Executrixes &c. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Harvey D. Goulder, Mr. S. H. Holding, and Mr. F. Masten, in support of the same, and Mr. Timothy E. Tarsney, in opposition thereto.

432. Boston Tow Boat Co., Petitioner, vs. Chase Machine Company. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Harvey D. Goulder, in support of the same, and Mr. Albert E. Lynch and Mr. P. H. Bakewell, in opposition thereto.

430. Robert L. West et al., Plffs in Error, vs. The State of Louisiana. On motion of Mr. Thomas H. Clark, in behalf of counsel, it is ordered by the Court that the

cause be, and the same is hereby, reassigned for argument on Tuesday, February 23d, 1904.

51. Jose Antonio Fernandez y Perez, Plff in Error, vs. Jose Perez y Fernandez. On motion of Mr. William R. Hearn in behalf of counsel, It is ordered by the Court that this cause be passed temporarily

11, Original. State of Louisiana, Complainant, vs. State of Mississippi. On motion of Mr. Alexander Porter Morse, of counsel for the Complainant, leave is hereby granted to file stipulation to correct answer and cross-bill herein.

274. The City of Seattle, Appellant, vs. John W. Thompson. The motion to dismiss in this cause was submitted to the consideration of the Court on printed arguments by Mr. Frederick Bausman, in support of the same, and Mr. W. S. Fulton, in opposition thereto.

28. Alice A. Cable, Admx &c., Petitioner, vs. The United States Life Insurance Co., of New York City. The argument of this cause was continued by Mr. W. S. Oppenheim of counsel for the petitioner, and concluded by Mr. William G. Beale, of counsel for the

No. 19. Arsene L. Arpin and William D. Noble, Appellants vs. Ramon Valdez y Cobian and The Rio Plata Electric Company. Appeal from the District Court of the United States for the District of Porto Rico.

It appearing to the Court that a motion by Counsel for the appellants to dismiss this appeal has been filed, Therefore, in pursuance of said motion, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same, is hereby, dismissed with costs.

Per Mr. Chief Justice Fuller.

No. 12, Original. Ex parte In the matter of W. S. Johns, Petitioner. The argument of this cause was commenced by Mr. C. L. Herbert, of Counsel for the petitioner, and continued by Mr. George A. Mansfield, of Counsel for the Choctaw and Chickasaw Nations.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Pursuant to adjournment the Court met today at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices

John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

Ex parte In the matter of U.S. Joins, Petitioner. No. 12, Original. This cause was submitted on behalf of The United States on a printed argument by Mr. Solicitor General Hoyt.

Mare Hubbert, Petitioner, v. Campbellville Lumber Co. No. 31. This cause was argued by Mr. H. C. Harris, of Counsel, for the petitioner, and Mr. Ernest Macpherson, of Counsel for the respondent.

32. City of Joplin, Appellant, vs. Southwest Missouri Light Co.

This cause was argued by Mr. C. A. Montgomery, of Counsel for the appellant, and Mr. John A. Eaton, of Counsel for the appellee.

33. The Deposit Bank of Frankfort, Plff in Error, vs. The Board of Councilmen of the City of Frankfort.

The argument of this cause was commenced by Mr. Frank Chunn, of Counsel for the plaintiff in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present:

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made, the Court is opened.

On motion first made to the Court in this behalf by Mr. George M. Wagner it is ordered that Charles M. Wagner, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

The Deposit Bank of Frankfort,
v. } Off in Error,
The Board of Councilmen of the City of Frankfort.

33.

Argument of this cause was continued by Mr. Frank Chiny, of counsel for the plaintiff

defendant in error, and concluded by Mr. Frank Winn, of counsel for the plaintiff in error.

314. Andrew J. Aikens, Plff in Error, vs. The State of Wisconsin,
35. Albert Nuegin, Plff in Error, vs. The State of Wisconsin,
36. Melvin A. Hoyt, Plff in Error, vs. The State of Wisconsin,

The argument of these cases was commenced by Mr. W. H. Timlin, of counsel for the plaintiff in error in No. 314, and continued by Mr. James G. Flanders, of counsel for the defendant in error in Nos. 34 and 35, and by Mr. W. H. Timlin, of counsel for the plaintiff in error in No. 314.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices

John W. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. A. B. Moulton it is ordered that A. M. Legg, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

34. Andrew J. Aikens, Plff in Error, vs. The State of Wisconsin.
35. Albert Huegin, Plff in Error, vs. The State of Wisconsin.
36. Melvin A. Hoyt, Plff in Error, vs. The State of Wisconsin.

The argument of these cases was continued by Mr. S. S. Gregory, of counsel for the plaintiff in error in No. 36, and concluded by Mr. Julius G. Landers, of counsel for the defendant in error in Nos. 34, 35, 36.

were submitted on printed arguments by Mr. George D. Van Dyke, of counsel for the plaintiff in error in No. 35, and Mr. L. M. Shuckevan of counsel for the defendant in error in No. 36.

37. James L. Yates, Plff in Error, v. Samuel P. Parmly et al., Executors &c., et al.)

This cause was argued by Mr. Ruble A. Colb of counsel for the plaintiff in error, and Mr. A. B. Browne, of counsel for the defendants in error.

38. D. N. Holden et al., Appellants, v. J. A. Stratton, Trustee.

This cause was submitted to the consideration of the Court on the record and printed arguments of Mr. George Turner and Mr. P. P. Carroll, of counsel for the appellants, and Mr. Frederick Bausman, of counsel for the appellee.

51. Harry B. Smith, Auditor &c., Plff in Error, v. The State of Indiana ex rel. Martha Lewis et al.

Plaintiff in error.

The argument of this cause was commenced by Mr. Horace E. Smith of counsel for the

(Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Pursuant to adjournment the Court met today at the Capitol.

Present:

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

81. Harry B. Smith, Auditor &c, Plff in Error, vs. The State of Indiana ex rel. Martha Lewis et al. The argument of this cause was continued by Mr. Horace E. Smith, of Counsel for the plaintiff in error, and Mr. Cassius C. Hadley, of Counsel for the defendants in error, and concluded by Mr. Horace E. Smith, of Counsel for the plaintiff in error.

84. John A. Humbird et al., Appellants, vs. Haldo A. Avery et al. The argument of this cause was commenced by Mr.

of Counsel for the appellants, and continued by Mr. Assistant Attorney General Campbell and Mr. A.G. Campbell, of Counsel for the United States.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Pursuant to adjournment the Court met to-
day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf
by Mr. W. J. Johnston it is ordered that C. A.
Brush, Esquire, of Washington, District of
Columbia, be admitted to practice as an
attorney and counsellor of this Court and
he was sworn accordingly.

On motion first made to the Court in this behalf
by Mr. Frederic D. McKenney it is ordered that
Joseph F. Collins, Esquire, of Washington, Dis-
trict of Columbia, be admitted to practice as
an attorney and counsellor of this Court and
he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harry S. Hall it is ordered that Eugene D. Saunders, Esquire, of New Orleans, State of Louisiana, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

13.

On motion first made to the Court in this behalf by Mr. D.W. Baker it is ordered that Robert Watson, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas A. Clark it is ordered that Henry Krunz, Esquire, of Pilatka, State of Florida, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

16.

On motion first made to the Court in this behalf by Mr. John Ridout it is ordered that T.B. Jewell, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Robert R. Wright, Jr., as Mayor of the City of Denver, Plff in Error, vs. Ellen Teresa Morgan et al. | In Error to the United States Circuit Court of Appeals for the Eighth Circuit

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the District of Colorado.

Per Mr. Justice Nelson.

Clara Perry, Owner of the Canal-boat "Robert H. Parsons," Plff in Error, vs. Cornelius L. Haines. | In Error to the Supreme Court of the State of New York.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of New York, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, reversed with costs; and that this cause be and the

manded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Brown.

Dissenting:
Mr. Justice Brewer
Mr. Chief Justice Fuller,
Mr. Justice Peckham, and
Mr. Justice Harlan.

230 of Oct. T. 1902. William L. Snyder, Executor &c., vs. Pltf's in Error, Bernard Bettmann, Collector &c. It is ordered by the Court that the motion for leave to file a petition for rehearing in this cause be, and the same is hereby denied.

Per Mr. Chief Justice Fuller.

274. The City of Seattle, vs. Appellant, John W. Thompson. On consideration of the motion to dismiss in this cause and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said motion be, and the same is hereby denied.

Per Mr. Chief Justice Fuller.

274. The City of Seattle, vs. Appellant, John W. Thompson. Mr. Walter S. Fulton, of Counsel for the appellant suggested the death of John W. Thompson, the

appellee herein and moved the Court for an order, pursuant to the 15th rule, to make the proper representatives parties. Whereupon, It is now here ordered by the Court that unless the proper representatives of the said John W. Thompson shall become parties within the first ten days of the ensuing term of this Court the appellant shall be entitled to open the record, and on hearing have the decree reversed, if it be erroneous: Provided, However, That a copy of this order shall be printed in some newspaper of general circulation within the State of Washington for three successive weeks, at least sixty days before the beginning of the term of the Supreme Court thereto ensuing.

Per Mr. Chief Justice Fuller.

Jackson N. Giles,
338 vs. Plff in Error,
Charles B. Stanley et al.

Tom Rogers,
vs. Plff in Error,
The State of Alabama.

On consideration of the motion to consolidate these cases and advance the same, It is now here ordered by the Court that the motion to consolidate be, and the same is hereby, denied. It is further ordered that Cases Nos. 337 and 338 be advanced and assigned for argument, as one case, on Monday, January 4th, 1904, after the cases heretofore assigned for that day, and that Case No. 407

Nos. 337 and 338.

(per Mr. Chief Justice Fuller.)

338. E. W. A. Lake, Petitioner, vs. S. H. Rush, Trustee of the estate of Emerson Clark, a bankrupt. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

(per Mr. Chief Justice Fuller.)

113. Patrick Clark, Benjamin C. Kingsbury, James P. Harvey et al., Petitioners, vs. The Buffalo Hump Mining Company et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby denied. (per Mr. Chief Justice Fuller.)

431. William Chisholm, H. D. Coffinberry et al., Petitioners, vs. Mary N. Hall and Frances C. Strong, Executrixes of the Estate of Edmund Hall, deceased. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of Counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

432. Boston Tow Boat Company, Petitioner, vs. Chase Machine Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit and of the argument of Counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

Southern Electric Railway Company
vs.
Cora Hagemann,

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

No. 442.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

The Oceanic Steam Navigation Company, Limited, Claimant of the Steamship "Germanic",
vs.
John W. Aitken et al., and The Insurance Co. of North America, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

No. 443.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, granted.

Per Mr. Chief Justice Fuller.

4. The United States, Appt, vs. The California & Oregon Land Co.
5. The California & Oregon Land Co, Appt, vs. The United States.

It is ordered by the Court that these cases be, and they are hereby, restored to the docket for reargument on Monday, January 15th, 1912, after the cases heretofore assigned for that day.

Per Mr. Chief Justice Fuller.

37. James L. Gales, Plff in Error, vs. Samuel P. Parmly and Hattie S. Parmly, as Executors of the estate of Henry C. Parmly, deceased, et al. } In Error to the Circuit Court of Clark County, State of Wisconsin.

This cause came on to be heard on the transcript of the record from the Circuit Court of Clark County, State of Wisconsin, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

40. The United States, Appellant, vs. Edward L. Pierson. } Appeal from the Court of Claims.

This cause having been called to the attention of the Court by Mr. Solicitor General Hoyt, of counsel for the appellant, and he having moved the Court

said motion, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed.

Per Mr. Chief Justice Fuller.

377. The United States, Appellant, vs. The Choctaw Nation and The Chickasaw Nation; The Chickasaw Freedmen, 323. Appellants, vs. The Choctaw Nation and The Chickasaw Nation.)

Mr. Solicitor General Hoyt submitted to the consideration of the Court a motion to advance these cases.

776. The New York, New Haven & Hartford Railroad Co., Plff in Error, vs. Benjamin Weisberg.

The motion to dismiss in this cause was submitted to the consideration of the Court on the record and a printed argument by Mr. Donald G. Perkins, in support of the same.

Ex parte In the matter of The City of Palatka, Petitioner.)

The motion for leave to file a petition for a writ of certiorari and for relief in accordance with the prayer of said petition was submitted to the consideration of the Court on printed arguments by Mr. George C. Bedell and Mr. H. Bisbee, in support of the same, and Mr. Charles T. Cates & Mr. R. E. L. Mountcastle

and Mr. Henry Strong, in opposition thereto.

44. J. L. Howard et al., Appellants, vs. Capt. J. M. Fleming, Warden &c.

45. J. L. Howard et al., Plffs in Error, vs. The State of North Carolina.

Mr. L. A. Gilmore, of Counsel for the Appellants and Plaintiffs in error, submitted to the consideration of the Court a motion for an order committing the Appellants and Plaintiffs in error to the custody of the Marshal of this Court and that they be enlarged therefrom on bail pending the disposition of the cases.

202. The Barber Asphalt Paving Company, Appellant, vs. Richard N. Field,

The motion to dismiss in this cause was submitted to the consideration of the Court on the record and printed arguments by Mr. R. N. Field, in support of the same, and Mr. W. C. Scarritt, in opposition thereto.

47. N. L. Kahn, Trustee of the Southern Overall Manufacturing Company, bankrupt, Appellant, vs. Cone Export Commission Co.,

Appeal from the United States Circuit Court of Appeals for the Fifth Circuit,

counsel for the respective parties to dismiss this appeal has been filed, Therefore in pursuance of said stipulation, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby dismissed with costs. Per Mr. Chief Justice Fuller.

No. 57. John A. Humbird et al., Appellants, vs. Waldo A. Avery et al. The argument of this cause was continued by Mr. A. G. Campbell, of counsel for the United States, and Mr. Benton Hanchett, of counsel for the appellees, and concluded by Mr. C. W. Bunn, of counsel for the appellants.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Thursday, October 27th, 1903.

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Thomas H. Clark it is ordered that Martin M. Tridley, Esquire, of Chicago, State of Illinois, Wheeler P. Bloodgood, Esquire, of Milwaukee, State of Wisconsin, and Allen G. Wright, Esquire, of San Francisco, State of California, be admitted to practice as attorneys and counsellors of this Court and they were severally sworn accordingly.

46. W. W. Montague & Co. et al., Plffs in Error, vs. Edward S. Lowry et al. This cause was submitted to the consideration of

record and printed arguments by Mr. William M. Pierson, of Counsel for the plaintiffs in error, and Mr. Joseph C. Campbell, of Counsel for the defendants in error.

180. State of Missouri ex rel. William Preston Hill, Plff in Error, vs. Alexander M. Dockery et al.

This cause was argued by Mr. Edward C. Johnson, of Counsel for the plaintiff in error, and submitted on a printed argument by Mr. E. C. Crow, of Counsel for the defendants in error.

114. J. L. Howard et al., Appellants, vs. Capt. J. M. Fleming, Warden &c.

15. J. L. Howard et al., Plffs in Error, vs. The State of North Carolina.

The argument of these Cases was commenced by Mr. Frank C. Blair, of Counsel for the appellants and plaintiffs in error, continued by Mr. Thomas B. Womack, of Counsel for the appellee and defendant in error, and concluded by Mr. Leslie A. Gilmore, of Counsel for the appellants and plaintiffs in error.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
} Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

No. 92. The Citizens' Bank of Louisiana, Plff in Error, v. Caleb H. Parker, Tax Collector &c.

The argument of this cause was commenced by Mr. Henry Dixis, of Counsel for the plaintiff in error, continued by Mr. E. Howard McCaleb, Jr., of Counsel for the defendant in error, and concluded by Mr. Eugene D. Saunders, of Counsel for the plaintiff in error.

157. The State Board of Assessors for the Parish of Orleans et al, vs. Appellants, The Comptoir National d'Escompte de Paris.

The argument of this cause was commenced by Mr. N. G. Dupré, of Counsel for the appellants.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.
John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Harry A. Hall it is ordered that Alexander New, Esquire, of Kansas City, State of Missouri, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

157. The State Board of Assessors for the Parish of Orleans et al., Appellants, v. The Comptoir National d'Escompte de Paris.

The argument of this cause was continued by Mr. Harry A. Hall, of counsel for the appellee, and

the appellants.

208. Edward V. Sharp, Plff in Error,
v.
The United States.

The argument of this cause was commenced by Mr. David J. Pancoast, of Counsel for the plaintiff in error, and continued by Mr. Assistant Attorney General Purdy, of Counsel for the defendant in error.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. William A. Maury it is ordered that John W. Phillips, Esquire, of Austin, State of Texas, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Maxwell Evarts it is ordered that James A. Donegan, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Friday, October 30th, 1903, Continued.

208. Edward S. Sharp, Plff in Error, vs. The United States.

The argument of this cause was concluded by Mr. Assistant Attorney General Purdy, of counsel for the defendant in error.

207. United States Fidelity & Guaranty Co., Plff in Error, vs. The U.S. for use &c., of The Golden Pressed Wall Fire Brick Co., et al.

This cause was argued by Mr. Andrew W. Gillette, of counsel for the plaintiff in error and Mr. P. J. O'Donnell, of counsel for the defendants in error.

41. St. Louis Hay & Grain Co., Appellant, vs. The United States.

The argument of this cause was commenced by Mr. William E. Harvey, of counsel for the appellant, and continued by Mr. Assistant Attorney General Pradt, of counsel for the appellee.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Thomas H. Clark it is ordered that Todd Lunsford, Esquire, of Chicago, State of Illinois, and William B. Linn and Eugene Raymond, Esquires, of Philadelphia, State of Pennsylvania, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Milton D. Purdy it is ordered that Charles W. Somerby, Esquire, of Minneapolis, State of Minnesota, be admitted to practice as an attorney

ingly.

On motion first made to the Court in this behalf by Mr. Stratton C. Stephane it is ordered that John W. Jellan, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hatt Rogers it is ordered that Fred A. Sabin, Esquire, of La Junta, State of Colorado, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

No. The Choctaw, Oklahoma & Gulf Railroad Company, Plff in Error, vs. Laura Louise McDade, Lucy W. McDade & Kinney McDade. In Error to the United States Circuit Court of Appeals for the Sixth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the Western District of Tennessee.

Per Mr. Justice Day

19. Bert Ross, Appellant, vs. Martin Aguirre, Warden of the State Prison of the State of California at San Quentin, California. Appeal from the Circuit Court of the United States for the Northern District of California.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of California, and was argued by counsel. On consideration whereof, it is now here ordered, adjudged, and decreed by this Court that the order of the said Circuit Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice McKenna.

19. Bert Ross, Appellant, vs. Martin Aguirre, Warden &c. It is ordered by the Court that the mandate in this cause be issued alone.

Per Mr. Justice McKenna.

Ex parte In the matter of The City of Palatka, Petitioner. On consideration of the motion for leave to file a petition for a writ of certiorari and for relief in accordance with the prayer of said petition, and of the argument of counsel thereupon had, as well in support of as against the same, it is

by Court that said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

202. The Barber Asphalt Paving Co, Appellant, v. Richard N. Field. It is ordered by the Court that the further consideration of the motion to dismiss in this cause be postponed until the hearing of the cause on its merits

Per Mr. Chief Justice Fuller.

322. The United States, Appellant v. The Choctaw Nation and The Chickasaw Nation.

323 The Chickasaw Freedmen, Appellants v. The Choctaw Nation and The Chickasaw Nation. On consideration of the motion to advance these cases, It is now ordered by the Court that said motion be, and the same is hereby, granted and the cases assigned for argument on Monday, January 25th, 1904.

Per Mr. Chief Justice Fuller.

226. The New York, New Haven & Hartford Railroad Company, Plff in Error, v. Benjamin Nesberg. In Error to the Circuit Court of the United States for the District of Rhode Island.

This cause came on to be heard on the transcript of

the record for the Circuit Court of the United States for the District of Rhode Island, and on a motion to dismiss which was argued by Counsel. On consideration whereof, It is now hereby ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

114. Yee Ngoy, Appellant, vs. The United States. Appeal from the United States Circuit Court of Appeals for the Ninth Circuit.

This cause having been called to the attention of the Court by Mr. Solicitor General Hoyt, of Counsel for the appellee, and a stipulation to dismiss this appeal having been filed, Therefore, in pursuance of said stipulation, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is, hereby, dismissed.

Per Mr. Chief Justice Fuller,

114. Yee Ngoy, Appellant, vs. The United States. On motion of Mr. Solicitor General Hoyt leave is hereby granted the Clerk to issue the mandate in this cause.

1137. Juong Juen Ho, Aff'g in Error, vs. The United States. (On motion of Mr. Solicitor General Hoyt leave is hereby granted the Clerk to issue the mandate in this cause.)

383. The U.S. ex rel. Charles P. Steinmetz, Aff'g in Error, vs. Frederick D. Allen, Commissioner of Patents. On motion of Mr. Solicitor General Hoyt, It is ordered by the Court that this cause be, and the same is hereby, advanced and assigned for argument after No. 13, Original.

438. The United States of America, vs. The Montana Lumber & Manufacturing Co., et al. Mr. Solicitor General Hoyt submitted to the consideration of the Court a motion to advance this cause.

433. State of Minnesota, Appellant, vs. Northern Securities Co., et al. The motion to advance this cause was submitted to the consideration of the Court by Mr. H. B. Douglas, Mr. M. D. Munn, and Mr. George P. Wilson, in support of the same, and Mr. John G. Johnson, Mr. W. D. Grover, Mr. C. W. Bunn and Mr. George B. Young, in opposition thereto.

Isabella Gonzales,
995. v. Appellant,
William Williams, U.S.
Commissioner of Immigration.

On motion of Mr. Fel-
icio Degetau, leave
is hereby granted him
to file a printed brief
herein as amicus curiae.

The State of Kansas,
7, Original. v. Complainant,
The State of Colorado et al.,

On motion of Mr.
A. L. Brownell, in
behalf of counsel,
leave is hereby
granted to file the Answer of The Fort Lyon
Canal Company to the amended bill of com-
plaint herein.

The State of Kansas,
7, Original. v. Complainant,
The State of Colorado et al.,

On motion of Mr.
Hall Rogers, of
Counsel, leave is
hereby granted,
to file the Answer of The Arkansas Valley
Sugar Beet and Irrigated Land Company,
to the amended bill of complaint herein.

The State of Kansas,
7, Original. v. Complainant,
The State of Colorado et al.

On motion of Mr.
Fred A. Libin, of
Counsel, leave is
hereby granted to
file the Answer of The Rocky Ford Canal Reser-
voir, Land, Loan & Trust Company, The Willis
Consolidated Canal Company, The Oxford
Farmers' Ditch Company and The Laguna

herein.

57. Lorita Cain, Plff in Error,
vs.
The Texas & Pacific Railway Company.

On motion of Mr. Thomas H. Clark, in behalf of counsel, it is ordered by the Court that this cause be, and the same is hereby, passed, subject to the provisions of section 9 of Rule 16.

41. St. Louis Hay & Grain Co., Appellant,
vs.
The United States.

The argument of this cause was continued by Mr. Assistant Attorney General Pradt, of counsel for the appellee, and concluded by Mr. George A. King, of counsel for the appellant.

42. William R. Warner, Jr., Executor &c., Appellant,
vs.
The Searle & Hereth Co. et al.

The argument of this cause was commenced by Mr. Frank F. Brown, of counsel for the appellant, and continued by Mr. Philip C. Dyrenforth, of counsel for the appellees.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Pursuant to adjournment the Court met today at the Capitol.

Present.

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in his behalf by Mr. James C. McReynolds it is ordered that John W. Harding, Esquire, of Paterson, State of New Jersey, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

42. William R. Warner, Jr., Executor &c., Appellant, vs. The Searle & Hereth Co., et al. Appellees, and concluded by of counsel for the Appellees.

The argument of this cause was continued by Mr. Philip C. Dyer Goff, of counsel for the Appellees, and concluded by Mr. Frank L. Brown, of counsel for the Appellees.

Tuesday, November 22, 1898. Continued.

118. Tollie Ranch Co., Plff in Error
vs.
George Cook et al.,
Tollie Ranch Co., Plff in Error
vs.
William Babcock et al.

These causes were argued by Mr. Maxwell Evarts, of counsel for the plaintiff in error, and submitted on printed arguments by Mr. B. K. Jones of counsel for the defendants in error.

30. The Schuyler National Bank of Schuyler, Nebraska, et al., Plffs in Error
vs.
James Gadsden et al.

This cause was argued by Mr. E. J. Phelps, of counsel for the plaintiffs in error, and submitted on a printed argument by George Hyman and Mallie M. Branch, two of the defendants in error, in proper person.

51. Woey Ho, Appellant
vs.
The United States

This cause was argued by Mr. Franklin N. Mackey, of counsel for the appellant, and Assistant Attorney General McReynolds, of counsel for the appellee.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Wednesday, November 4th, 1903.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made, the Court is opened.

On motion first made to the Court in this behalf by Mr. James C. McReynolds it is ordered that Russell P. MacFall, Esquire, of Indianapolis, State of Indiana, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas H. Clark it is ordered that Charles S. Hayes, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

54. Nicholas C. Benziger et al., v. The United States. (Petitioners.)

On motion of Mr. Assistant Attorney General McReynolds, It is ordered by the Court that this case be, and the same is hereby, passed temporarily.

53. La Republique Francaise et al., v. Petitioners. Saratoga Vichy Spring Co.

The argument of this cause was commenced by Mr. Charles Buckley Hubbell, of counsel for the petitioners, continued by Mr. Elijah D. Brackett, of counsel for the respondent, and concluded by Mr. Archibald Cox, of counsel for the petitioners.

55. Clemens Herold et al., v. Joseph Frank et al. (Plffs in Error,)

This cause was argued by Mr. John W. Harding, of counsel for the defendants in error, and submitted on a printed argument by Mr. James H. Blanvelt, of counsel for the plaintiffs in error.

58. The City of Owensboro, v. The Owensboro Water Works Co. Appellant,

The argument of this cause was commenced by Mr. George W. Jolly, of counsel for the appellant.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White, Associate
Rufus W. Peckham, Justices
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,

John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened,

On motion first made to the Court in this behalf by Mr. H. M. Orem it is ordered that Royer Irving Noyes, Esquire, of Grand Rapids, State of Michigan, be admitted to practice as an attorney and counsellor of this Court and he was sworn according

On motion first made to the Court in this behalf by Mr. H. W. Walls it is ordered that Herbert J. Chittenden, Esquire, of Toledo, State of Ohio, be admitted to practice as an attorney and counsellor of this Court and he was sworn according

On motion first made to the Court in this behalf by

Espinie, of Zion City, State of Illinois be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

55. The City of Owensboro, Appellant, v. The Owensboro Water Works Co.

The argument of this cause was continued by Mr. George W. Jolley, of counsel for the appellant, and Mr. Robert W. Bingham and Mr. W. J. Ellis, of counsel for the appellee, and concluded by Mr. George W. Jolley, of counsel for the appellant.

56. Pennsylvania Railroad Co., v. Riff in Error, William Hughes et al.

This cause was argued by Mr. John G. Johnson, of counsel for the plaintiff in error, and Mr. A. S. L. Shields, of counsel for the defendants in error.

57. Sarah A. Hibben, v. Riff in Error, William C. Smith et al.

The argument of this cause was commenced by Mr. Russell T. MacFall, of counsel for the plaintiff in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
John M. Wright Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf, by Mr. A. R. McMahon it is ordered that William C. Hodges, Esquire, of Tallahassee, State of Florida, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George A. Howard it is ordered that A. N. Bridges, Esquire, of New York City, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the

By Mr. William R. Harr it is ordered that Maurice H. Thorn, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

57. Sarah A. Hibben, vs. Plff in Error, William C. Smith et al

The argument of this cause was continued by Mr. Russell T. McFall, of counsel for the plaintiff in error, and Mr. L. H. Harvey, of counsel for the defendants in error, and concluded by Mr. Russell T. MacFall, of counsel for the plaintiffs in error.

60. The Continental National Bank of Memphis Tenn. vs. Plff in Error, G. C. Buford

This cause was argued by Mr. Rhea P. Carey, of counsel for the plaintiff in error, and submitted, on a printed argument by Mr. H. J. Orr, of counsel for the defendant in error.

61. The Grand Rapids & Indiana Railway Co, vs. Plff in Error, Chase S. Osborn, Commissioner of Railroads &c.

This cause was argued by Mr. T. J. O'Brien, of counsel for the plaintiff in error, and Mr. A. M. Oren, of counsel for the defendant in error, and leave was granted counsel for the plaintiff in error to file an ad-

ditional brief on or before the 20th instant.)

607. Bernard Schefe, Plff in Error, vs. The City of St. Louis. Ordered by the Court that this cause be and the same is, hereby, passed to be argued with Case No. 704, as one Brief when that case is reached.

608. The Anglo-American Provision Co., Plff in Error, vs. Davis Provision Company. The argument of this cause was commenced by Mr. N. M. Rubey of Counsel for the plaintiff in error and continued by Mr. Frank E. Smith, of Counsel for the defendant in error.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock M.

Monday, November 9th, 1903.

Pursuant to adjournment the Court met to-day at the Capitol.

Present:

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. E. B. Dillon it is ordered that Roscoe J. Mauck, Esquire, of Gallipolis, State of Ohio, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. S. M. Stockslager it is ordered that Thomas Kneeland, Esquire, of Minneapolis, State of Minnesota, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by

Mr. A. A. Herbert it is ordered that Joseph E. Eiden, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in his behalf by Mr. C. J. Bailey it is ordered that Frank C. Lindsay, Esquire, of Topeka, and George Gilly, Esquire, of Syracuse State of Kansas, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

Ex parte In the matter of No. S. Johns. Petitioner. On consideration of the petition for writs of Prohibition and Certiorari herein, of the return to the rule to show cause, and of the argument of Counsel thereon pro and con. It is now here ordered by the Court that the rule to show cause be discharged and that the petition be, and the same is hereby, dismissed.

No. 12, Original.

Per Mr. Justice Holmes.

Ex parte In the matter of L. L. Blake et al, Petitioners. On consideration of the motion for leave to file a petition for writs of prohibition, injunction, and Certiorari herein, It is now here ordered by the Court that said motion be and the same is hereby denied.

20. The United States, Plff in Error, vs. The Denver & Rio Grande Railroad Company. — In Error to the Supreme Court of the Territory of New Mexico.

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory of New Mexico, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Supreme Court with directions to order a new trial.

Per Mr. Justice Brown.

102. Antoinette B. Kinney and Clesson S. Kinney, Appellants, vs. The Columbia Savings & Loan Association. — Appeal from the Circuit Court of the United States for the District of Utah.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Utah, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Brown.

31. Mare Hubbert, Plaintiff in Error, vs. Campbellsville Lumber Company. Writ of Certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals in this cause be, and the same is hereby affirmed with costs; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the Western District of Kentucky.

Per Mr. Justice Brewer.

Mr. Justice White and Mr. Justice McKenna concur in the result.

Dissenting: Mr. Justice Harlan, Mr. Justice Brown and Mr. Justice Peckham.

433. State of Minnesota, Appellant, vs. Northern Securities Co., et al. On consideration of the motion to advance this cause, and of the argument of counsel, thereupon had, as well in support of as against the same, It is now here ordered by the Court that said motion be, and the same is hereby, granted, and the cause assigned for argument

heretofore assigned for that day.

Per Mr. Chief Justice Fuller.

1138. The United States of America, vs. The Montana Lumber & Manufacturing Co., et al. On consideration of the motion to advance this cause for oral argument, It is now here ordered by the Court that said motion be, and the same is hereby, denied, but the case may be submitted on printed briefs as under Rule 32.

Per Mr. Chief Justice Fuller.

52. Ivey No, Appellant, vs. The United States. Appeal from the United States Circuit Court of Appeals for the Ninth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal be and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

55. Clemens Herold, Emanuel Bossardt, Tillie Watson et al., Plffs in Error, v. Joseph Frank, Thomas Dugan, and Jacob Frank, Partners, doing business as Frank & Dugan. In Error to the Court of Errors and Appeals of the State of New Jersey.

This cause came on to be heard on the transcript of the record from the Court of Errors and Appeals of the State of New Jersey, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

On motion of Mr. Chief Justice Fuller.

78. The Texas & Pacific Railway Company, Plff in Error, v. William L. Smith. In Error to the United States Circuit Court of Appeals for the Fifth Circuit.

This cause having been called to the attention of the Court by Mr. David D. Duncan, of counsel for the plaintiff in error, and he having moved the Court to dismiss the writ of error in this cause, Therefore, in pursuance of said motion, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed with costs.

On motion of Mr. Chief Justice Fuller.

1119. Florida McGuire et al, Petitioners, v. William A. Blount et al. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. A. A. Herbert and Mr. Benjamin Micou, in support of the same, and Mr. William A. Blount, in opposition thereto.

386. The Aetna Life Insurance Co., Petitioner, v. The Board of County Commissioners of Hamilton County, Kansas. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. O. J. Bailey and Mr. Frank P. Lindsay, in support of the same, and Mr. George Getty, in opposition thereto.

157. The State Board of Assessors for the Parish of Orleans et al., Appellants, v. The Comptoir National d'Escompte de Paris. On motion of Mr. George H. Lamar, in behalf of counsel, leave is hereby granted counsel for the appellants to file an additional brief herein within one week.

The Missouri Pacific Railway Company, Plff in Error, v. Robert Eccles et al. } In Error to the Supreme Court of the State of Missouri.

No. 99.

This cause having been called to the attention of the Court by Mr. David D. Duncan in behalf of counsel for the plaintiff in error, and he having moved the Court to dismiss the writ of error in this cause, Therefore, in pursuance of said motion, It is now here, ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Fuller.

The City of Seattle, Appellant, v. John W. Thompson. } The death of John W. Thompson, the appellee in this cause, having been heretofore suggested and an order of publication granted, and issued, now, on motion of Mr. Clarence R. Wilson, in behalf of counsel for the appellee It is ordered that Daniel Kelleher, Administrator of John W. Thompson, deceased, be made the party appellee in this cause.

No. 271.

National Surety Company of Kansas City, Mo., Petitioner, v. The United States of America. } The petition for a writ of certiorari herein was submitted to the consideration of

No. 423.

arguments by Mr. Hiber S. May and Mr. Robert P. Hough, in support of the same, and Mr. Solicitor General Hoyt, in opposition thereto.

1179. James Haggart et al., Petitioners, vs. Lucetta B. Boynton et al. The petition for a writ of certiorari, herein was submitted to the consideration of the Court on printed arguments by Mr. Edward Mayes, in support of the same, and Mr. George B. Rose, in opposition thereto.

1152. Henry W. Watson, Owner of the Steamer "Briton Queen", Petitioner, vs. The St. Clair Steamship Co., et al. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. F. H. Canfield and Mr. William J. Gray, in support of the same, and Mr. Harrington Putnam and Mr. Harvey D. Goulder, in opposition thereto, and leave was granted Counsel for respondents to file an additional brief within three days.

126. The American Book Co., Plff in Error, vs. The State of Kansas ex rel. Galen Nichols, County Attorney &c. The motion to dismiss in this cause was submitted to the consideration of the Court on the record and printed arguments by Mr. G. C.

Clemens, in support of the same, and Mr. W. K. Rossington, Mr. Charles Blood Smith, and Mr. Clifford Histed, in opposition thereto.

69. The Texas & Pacific Railway Company, Plff in Error, vs. Mrs. Frank S. Smith, Courtney F. Smith & Bert F. Smith. In Error to the United States Circuit Court of Appeals for the Fifth Circuit.

This cause having been called for hearing in its regular order, and it appearing to the Court that the parties have failed to print the transcript of the record, it is, therefore, in pursuance of the tenth rule of this Court, now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed with costs. Per Mr. Chief Justice Fuller.

70. Armour Packing Company and C. A. Clawson, Trustee, in Bankruptcy of Adams & Harper, vs. Appellants, B. T. Adams, Adams & Harper, & V. A. Menard, Deputy Sheriff. Appeal from the United States Circuit Court of Appeals for the Fifth Circuit.

This cause having been called for hearing in its regular order, and it appearing to the Court that the parties have failed to print

in pursuance of the tenth Rule of this Court, now it is ordered, adjudged and decreed by this Court that this appeal be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Fuller

61. The Anglo-American Provision Company, Plff in Error, vs. Davis Provision Company. The argument of this cause was continued by Mr. Frank E. Smith, of counsel for the defendant in error, and concluded by Mr. A. W. Bridges, of counsel for the plaintiff in error.

63. The Anglo American Provision Company, Appellant, vs. Davis Provision Company. This cause was argued by Mr. A. W. Bridges, of counsel for the appellant, and Mr. Frank E. Smith, of counsel for the appellee.

65. Jacob Gertgens, Plff in Error, vs. John P. O'Connor. The argument of this cause was commenced by Mr. S. M. Stockslager, of counsel for the plaintiff in error, and continued by Mr. Edward F. Young, of counsel for the defendant in error.)

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Pursuant to adjournment the Court met today at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. N. M. Goldfogle it is ordered that Samuel Spencer Koenig, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Theodore F. Kluttz it is ordered that William A. Guthrie, Esquire, of Durham, State of North Carolina, be admitted to practice as an attorney and counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas N. Clark it is ordered that Homer C. Lathe, Esquire, of Claremont, State of New Hampshire, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederick P. Church it is ordered that Harold Binney, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

65. Jacob Gentgens, Plff in Error, vs. John P. O'Connor. The argument of this cause was continued by Mr. N. P. Stevens, of Counsel for the defendant in error, and concluded by Mr. Thomas Ryeland, of Counsel for the plaintiff in error. Leave was granted to Counsel for the plaintiff in error to file an additional brief.

67. The Choctaw, Oklahoma & Gulf Railroad Co., Plff in Error, vs. Thomas Tennessee.

68. The Choctaw, Oklahoma & Gulf Railroad Co., Plff in Error, vs. Will Holloway.

These causes were submitted to the consideration of the Court on the records and printed arguments by Mr. Edward B. Pierce, of Counsel for the plaintiff in error.

and Mr. J. W. Blackwood, of Counsel for the defendants in error.)

66. John Arbuckle et al., Appellants, vs. Joseph E. Blackburn, Dairy & Food Commissioner &c.) Reargument of this cause was commenced by Mr. John Dolbill Warner, of counsel for the appellants, continued by Mr. E. B. Dillon, of Counsel for the appellee, and concluded by Mr. Clarence Brown, of Counsel for the appellants.

71. The Baltimore & Potomac Railroad Co., et al., Plffs in Error, vs. Catharine Landrigan, Admrx. Reargument of this cause, was commenced by Mr. J. S. Flannery, of Counsel for the Plaintiffs in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Wednesday, November 11th, 1903.

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made, the Court is opened.

On motion first made to the Court in this behalf by Mr. Charles Henry Butler it is ordered that John McL. Nash, Esquire, of New York City, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. J. Darlington it is ordered that Joseph D. Wright, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

82. John M. Clapp, Appellant, vs. Henry B. F. MacFarland et al., Commissioners of the District of Columbia. Appeal from the Court of Appeals of the District of Columbia.

This cause having been called for hearing in its regular order, and it appearing to the Court that the parties have failed to print the transcript of the record, it is, therefore, in pursuance of the tenth rule of this Court, now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Fuller.

71. The Baltimore & Potomac Railroad Co., et al., Plffs in Error, vs. Catharine Landrigan, Admx. The argument of this cause was continued, by Mr. J. S. Flannery, of counsel for the plaintiffs in error, and Mr. J. J. Darlington and Mr. Charles A. Douglass, of counsel for the defendant in error, and concluded by Mr. Frederic D. McKenney, of counsel for the plaintiffs in error.

7, Original. The State of Kansas, Complainant, vs. The State of Colorado et al. On motion of Mr. Frederic D. McKenney, in behalf

is hereby granted to file the Answer of the Colorado Fuel and Iron Company to the amended bill of complaint herein.

72. Mollie D. Battle, Plff in Error, vs. Robert G. Atkinson. This cause was argued by Mr. John M. Taylor of counsel for the plaintiff in error. No counsel appeared for the defendant in error.

73. James McLoughlin, Plff in Error, vs. The Raphael Tuck & Sons Co., Limited. The argument of this cause was commenced by Mr. A. Bell Malcomson, of counsel for the plaintiff in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Thursday November 9th, 1905.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made, the Court is opened.

On motion first made to the Court in this behalf by Mr. William M. Springer it is ordered that Preston S. Davis and Samuel F. Vance, Esquires, of Vinita, Indian Territory, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

73. James McLoughlin, Plaintiff in Error, v. The Raphael Tuck & Sons Co., Limited.

The argument of this cause was continued by Mr. A. Bell Malcomson of counsel for the plaintiff in error, and Mr. Harold Kinney,

cluded by Mr. A. Bell Mackemson, of Counsel for the plaintiff in error.)

74. Norfolk & Western Railway Co., et al., vs. Plff in Error, John R. Sims, Plaintiff vs. Deft.

The argument of this cause was commenced by Mr. Theodore W. Reath, of Counsel for the plaintiff in error, continued by Mr. Robert D. Gilmer and Mr. J. E. Shepherd, of Counsel for the defendant in error, and concluded by Mr. William A. Jeffries, of Counsel for the plaintiffs in error.)

75. Ulysses S. G. White, vs. Appellant The United States.

The argument of this cause was commenced by Mr. William B. King, of Counsel for the appellant, and continued by Mr. Assistant Attorney General Pradt, of Counsel for the appellee.)

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened,

On motion first made to the Court in this behalf by Mr. Louis A. Pradt it is ordered that J. B. Townsend, Jr, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. A. Bryant it is ordered that John A. Rush, Esquire, of Denver, State of Colorado, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Mr. Milton D. Purdy, it is ordered that Robert G. Morrison, Esquire, of Minneapolis, State of Minnesota, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Owen W. Underwood it is ordered that Thomas M. Owen, Esquire, of Montgomery, State of Alabama, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

75. Holysses S. G. White, Appellant, vs. The United States. The argument of this cause was continued, by Mr. Assistant Attorney General Pradt, of counsel for the appellee, and concluded by Mr. William B. King, of counsel for the appellant.

76. The Clipper Mining Co., Plff in Error, vs. The Eli Mining & Land Co., et al. This cause was argued by Mr. H. A. Bryant, of counsel, for the plaintiff in error, and Mr. John A. Ewing and Mr. A. B. Browne, of counsel for the defendants in error, and leave was granted counsel for the plaintiff in error to file an additional brief within five days.

77. The Wisconsin & Michigan Railway Company, Appellant, vs. Percy T. Powers, Auditor General. This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Jesse B. Barton, of counsel for the appellant, and Mr. Roger Irving Hykes and Mr. Charles A. Blair, of counsel for the appellee.

80. The County of Stanislaus et al, Appellants, vs. San Joaquin & Kings River Canal & Irrigation Co. The argument of this cause was commenced by Mr. J. P. Langhorne of counsel for the appellants

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday, November 16th, 1903.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Richard Wayne Parker it is ordered that Wilberforce Freeman, Esquire, of Orange, State of New Jersey, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Louis A. Pradt it is ordered that John G. Capers, Esquire, of Charleston, State of South Carolina, and James A. Troutman, Esquire, of Topeka, State of Kansas, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. J. Jenkins it is ordered that Oliver O. Haga, Esquire, of Boise, State of Idaho, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. C. Magoon it is ordered that William B. Price, Esquire, of Lincoln, State of Nebraska, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry S. Robbins it is ordered that Newton Wyeth, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

27. J. W. Allen, Comptroller of the State of Tennessee, Plff in Error, vs. Pullman's Palace Car Company. In Error to the Circuit Court of the United States for the Middle District of Tennessee.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Middle District of Tennessee, and was argued by counsel. On consideration whereof it is now here ordered and

Court that the judgment of the said Circuit Court in this cause be, and the same is hereby, reversed with costs; and that this cause be and the same is hereby remanded to the said Circuit Court with directions to enter judgments in conformity with the opinion of this Court.

Per Mr. Justice Day.

111. St. Louis Hay and Grain Company, vs. The United States. Appellant, Appeal from the Court of Claims.

This cause came on to be heard on the transcript of the record from the Court of Claims, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Holmes.

180. State of Missouri at the relation of William Preston Hill, Plff in Error, vs. Alexander M. Dockery, Sam B. Cook, B. P. Williams et al. In Error to the Supreme Court of the State of Missouri.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Missouri, and was argued by Counsel. On

consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Holmes.

32. City of Joplin, Appellant, vs. Southwest Missouri Light Company. Appeal from the Circuit Court of the United States for the Western District of Missouri.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western District of Missouri, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to dismiss the bill.

Per Mr. Justice McKenna.

81. Harry B. Smith, Auditor of Marion County, Indiana, Plaintiff in Error, vs. The State of Indiana on the relation of Martha Lewis et al. Benjamin Lewis. In Error to the Supreme Court of the State of Indiana.

This cause came on to be heard on the transcript

of Indiana, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

(Per Mr. Justice Brown.)

Dissenting:
Mr. Justice Harlan and
Mr. Justice White

411. J. L. Howard, alias Frank Thompson; A. L. Daly, alias Gonez Bono; and A. D. Hawley, Appellants, vs. Captain J. M. Fleming, Warden of State Prison of North Carolina. Appeal from the Circuit Court of the United States for the Eastern District of North Carolina.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of North Carolina, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged and decreed by this Court that the order of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

(Per Mr. Justice Brewer.)

(Mr. Justice Harlan concurs in the result.)

J. L. Howard, alias Frank Thompson; A. L. Daly, alias Gomez Bono; and N. D. Crawley, Plffs in Error,
v.
The State of North Carolina.

In Error to the Supreme Court of the State of North Carolina.

145.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of North Carolina, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Justice Brewer.

(Mr. Justice Harlan concurs in the result.)

J. L. Howard et al., Appellants
v.
Captain J. M. Fleming, Warden &c.

In Consideration of the motion for an order committing the appellants and plaintiffs in error to the custody of the

J. L. Howard et al., Plffs in Error,
v.
The State of North Carolina.

Marshal of this Court, It is now here ordered by the Court that said motion be, and the same is hereby, denied.

Per Mr. Justice Brewer.

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60. The Continental National Bank of Memphis, Tennessee, Plff in Error, v. G. C. Buford. In Error to the United States Circuit Court of Appeals for the Eighth Circuit.

This Cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Justice Harlan.

176. The American Book Co., Plff in Error, v. The State of Kansas ex rel. Helen Nichols, County Attorney &c.

It is ordered by the Court that the further consideration of the motion to dismiss in this cause be postponed until the hearing of the cause on its merits.

Per Mr. Chief Justice Fuller.

386. The Aetna Life Insurance Company, Petitioner, v. The Board of County Commissioners of Hamilton County, Kansas. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals

for the Eighth Circuit and of the argument of Counsel thereupon had, as well in support of as against the same; It is now here ordered by the Court that said Petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

423. National Surety Company of Kansas City, Missouri, Petitioner, v. The United States of America. On petition for writ of Certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

On consideration of the petition for a writ of Certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of Counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby denied.

Per Mr. Chief Justice Fuller.

429. James Haggart et al., Petitioners, v. Lucetta B. Boynton et al. On petition for writ of Certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

On consideration of the petition for a writ of Certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit and of the argument of Counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court

petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

1152. Henry H. Watson, owner of the Steamer "Inter Ocean", Petitioner, vs. The St. Clair Steamship Company et al., On petitions for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

On consideration of the petition and cross-petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of Counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petitions be, and the same are hereby, denied.

Per Mr. Chief Justice Fuller.

449. Florida McGuire et al., Petitioners, vs. William A. Blount et al., On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of Counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, granted.

Per Mr. Chief Justice Fuller.

72. Mollie S. Battle, Plff in Error, vs. Robert G. Atkinson. In Error to the Circuit Court of the United States for the Eastern District of Arkansas.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Arkansas, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Fuller.

38. D. N. Holden and Lizzie Holden, Appellants, vs. J. A. Stratton, Trustee. Appeal from the United States Circuit Court of Appeals for the Ninth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

The Lexington & Soldiers Home Railway Company of the District of Columbia, Plff in Error
vs.
Florence McDevitt.

In Error to the Court of Appeals of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the District of Columbia, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Appeals in this cause be, and the same is hereby, reversed with costs; and that this cause be and the same is hereby, remanded to the said Court of Appeals with directions to reverse the judgment of the Supreme Court of the District of Columbia and order a new trial.

Per Mr. Chief Justice Fuller.

Dissenting:
Mr. Justice White and
Mr. Justice McKenna.

307. Ah How alias Louie Ah How, App't, vs. The United States,
308. Chu Do alias Chu Lee, App't, vs. The United States,
309. Lew Guey, App't, vs. The United States,
310. Tom Hong alias Hom Poe, App't vs. The United States,
311. Tom Dock alias Hom Dock, App't, vs. The United States,
312. Yung Lee, App't, vs. The United States,
313. Lee Kit, App't, vs. The United States.

The motions to vacate the orders admitting the appellants to bail and to dismiss the appeals in

these cases were submitted to the consideration of the Court on the records and printed argument by Mr. Solicitor General Hoyt, in support of the same, with leave to counsel for the appellants to file brief in opposition thereto within one week, and to counsel for the appellee to file a reply thereto within one week thereafter.

On motion of Mr. Solicitor General Hoyt leave is hereby granted Counsel for The Chinese Charitable & Benevolent Association to file a brief herein.

13. Robert R. Wright Jr., Mayor &c., Plff in Error, vs. Ellen Teresa Morgan et al., On motion of Mr. Henry M. Teller, in behalf of Counsel, leave is hereby granted the Clerk to issue the mandate in this cause.

479. The First National Bank of Chicago et al., Petitioners, vs. The Chicago Title & Trust Co., Trustee. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Henry S. Robbins and Mr. Wallace Heckman, in support of the same, and Mr. Joseph E. Paden and Mr. Newton Wyeth, in opposition thereto.

277. The Northern Securities Co. et al., Appellants, vs. Mr. A. A. Hoehling, Jr. submitted to

of the Court a motion for leave to Mr. Charles Fisk Beach to file a printed brief herein as amicus curiae.

445. Howe Scale Co. of 1886, et al., Petitioners, vs. Wyckoff, Seamans & Benedict. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. William Henry Dennis, Mr. Austen G. Fox, Mr. James H. Peirce, and Mr. George P. Fisher, Jr., in support of the same, and Mr. Edmund Wetmore and Mr. Henry A. Donnelly, in opposition thereto, and leave was granted Counsel for the petitioners to file a brief in reply within three days.

Proclamation being made the Court is adjourned until Monday, the 30th instant, at twelve o'clock.

Monday, November 30th, 1903.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Hoyt it is ordered that James K. Jones, Esquire, of Hope, State of Arkansas, and Samuel D. Miller, Esquire, of Indianapolis, State of Indiana, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles W. Fairbanks it is ordered that W. A. Powell, Esquire, of San Francisco, State of California, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry M. Teller it is ordered that Erwin L. Park, Esquire, of Denver, State of Colorado, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph V. Graff it is ordered that Arthur Keithley, Esquire, of Peoria, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harlan Cleveland it is ordered that Herbert Parsons, Esquire, of New York City, and Wallis L. Granger, Esquire, of Cincinnati, State of Ohio, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. Walter Artz it is ordered that Frederick L. Beatty, Jr., Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Miller Outcalt it is ordered that Charles E. Prior, Esquire, of Cincinnati, State of Ohio, be admitted to practice as an attorney and counsellor

of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas N. Clark it is ordered that Alex. H. Smith, Esquire, of Atlanta, State of Georgia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. P. Greeley it is ordered that Albert M. Austin, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

157. The State Board of Assessors of the Parish of Orleans, The City of New Orleans et al., vs. Appellants, The Comptoir National d'Escompte de Paris. Appeal from the Circuit Court of the United States for the Eastern District of Louisiana.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Louisiana, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit,

64. The Anglo-American Provision Company, Plff in Error, v. Davis Provision Company. — In Error to the Court of Appeals of the State of New York.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the State of New York, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Appeals in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Holmes.

63. The Anglo-American Provision Company, Appellant, v. Davis Provision Company & Smith M. Weed, Frank C. Smith et al. — Appeal from the Circuit Court of the United States for the Southern District of New York.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed, for the want of jurisdiction.

Per Mr. Justice Holmes.

77. The Wisconsin Michigan Railway Company, v. Appellant, Perry F. Powers, Auditor General of the State of Michigan. Appeal from the Circuit Court of the United States for the Eastern District of Michigan.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Michigan, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Holmes.

(Mr. Justice White, not having heard the argument, took no part in the decision.)

58. The City of Owensboro, v. Appellant, The Owensboro Water Works Company. Appeal from the Circuit Court of the United States for the Western District of Kentucky.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western District of Kentucky, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, reversed with costs, and that this

the same is hereby remanded to the said Circuit Court for further proceedings in accordance with the opinion of this Court.

(Per Mr. Justice McKenna.)

74. The Peoples National Bank of Lynchburg, Appellant, vs. Morton Marye, Auditor of Public Accounts of the State of Virginia. Appeal from the Circuit Court of the United States for the Eastern District of Virginia.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Virginia, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, modified so as to provide for a dismissal of the bill without prejudice and, as so modified, be, and the same is hereby, affirmed with costs.

(Per Mr. Justice Peckham.)

28. Alice A. Cable, Administratrix of the estate of Herman D. Cable, dec'd, Petitioner, vs. The United States Life Insurance Company in the City of New York. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

This cause came on to be heard on the transcript of

Appeals for the Seventh Circuit, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals and the decree of the Circuit Court of the United States for the Northern District of Illinois in this cause be, and the same are hereby, reversed, with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court, with directions to dismiss the bill without prejudice.)

Per Mr. Justice Peckham.

Dissenting:
Mr. Justice Harlan and
Mr. Justice White.

59. Sarah A. Hibben, Plff in Error, vs. William C. Smith, Joseph A. Pattison and William F. Munchman, partners, trading as The Financial Exchange, et al. } In Error to the Supreme Court of the State of Indiana.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Indiana, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Peckham.

67. The Choctaw, Oklahoma & Gulf Railroad Company, Plff in Error, vs. Thomas Tennessee. In Error to the United States Circuit Court of Appeals for the Eighth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the Eastern District of Arkansas.

Per Mr. Justice Peckham.

68. The Choctaw, Oklahoma & Gulf Railroad Company, Plff in Error, vs. Will Holloway. In Error to the United States Circuit Court of Appeals for the Eighth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with costs; and that

this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the Eastern District of Arkansas.

Per Mr. Justice Peckham.

208. Edward S. Sharp, Plff in Error, vs. The United States. In Error to the United States Circuit Court of Appeals for the Third Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of New Jersey.

Per Mr. Justice Peckham.

73. James McLoughlin, Plff in Error, vs. The Raphael Tuck & Sons Company, Limited. In Error to the United States Circuit Court of Appeals for the Second Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was

by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with costs; And that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the Southern District of New York.

Per Mr. Justice White.

(Mr. Justice Holmes did not hear the argument and took no part in the decision of this case.)

6. Alice R. Moshenvel and Anthony J. Moshenvel, Plffs in Error, v. The District of Columbia.) In Error to the Court of Appeals of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the District of Columbia, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Appeals in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Court of Appeals with directions to reverse the judgment of the Supreme Court of the District of Columbia and to grant a new trial.

Per Mr. Justice White.

Dissenting:
Mr. Justice Brewer,
Mr. Justice Brown and
Mr. Justice Peckham.

65. Jacob Gertgens, Plff in Error, v. John P. O'Connor. In Error to the Supreme Court of the State of Minnesota.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Minnesota, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Brewer.

387. The Louisville Trust Company, Receiver of the estate of The Evening Post Company, v. Stuart R. Knott et al. Appeal from the Circuit Court of the United States for the Western District of Kentucky.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western District of Kentucky and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed for the want of jurisdiction in this Court.

Per Mr. Justice Harlan.

30. W. H. Atkin, Plff in Error, vs. The State of Kansas. In Error to the Supreme Court of the State of Kansas.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Kansas, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, Affirmed with Costs.

Per Mr. Justice Harlan.

Dissenting:
Mr. Chief Justice Fuller,
Mr. Justice Brewer and
Mr. Justice Peckham.

31. The Defiance Water Company, Appellant, vs. The City of Defiance and The Council of the City of Defiance. Appeal from the Circuit Court of the United States for the Northern District of Ohio.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Ohio, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, Reversed at appellant's costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court with

directions to dismiss the bill for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

William R. Warner, Jr., Executor of the estate of William R. Warner, deceased, Appellant,
42. vs.
The Searle & Hereck Company, Gideon D. Searle, Frank S. Heath, and O. F. Eastman.

Appeal from the United States Circuit Court of Appeals for the Seventh Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged & decreed by this Court that the decree of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed, with costs; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the Northern District of Illinois.

Per Mr. Chief Justice Fuller.

The Northern Securities Company et al., Appellants,
277. vs.
The United States.

On consideration of the motion for leave to file a printed brief herein as amicus

were ordered by the Court that said motion be, and the same is hereby, denied.

(Per Mr. Chief Justice Fuller.)

307. Ah How, alias Louie Ah How, App't, vs. The United States,
308. Chu Do, alias Chu Gee, App't, vs. The United States.
309. Lew Jung, App't, vs. The United States.
310. Tom Hong, alias Hom Gee, App't, vs. The United States.
311. Tom Dock, alias Hom Dock, App't, vs. The United States,
312. Yung Lee, App't, vs. The United States,
313. Lee Kit, App't, vs. The United States.

It is ordered by the Court that the further consideration of the motions to vacate the orders admitting the appellants to bail and to dismiss or affirm in these cases be postponed until the hearing of the cases on the merits.

It is further ordered that the cases be, and the same are hereby, advanced and assigned for argument on Monday, January 4th next, after the cases heretofore assigned for that day.

(Per Mr. Chief Justice Fuller.)

Howe Scale Company of Rutland, Vt., and Fay-Sholes Company, vs. Petitioners, Myerhoff, Seaman & Benedict

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

415.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, as well in support of as against

the same. It is now here ordered by the Court that said petition be, and the same is hereby granted.

Per Mr. Chief Justice Taft.

479. The First National Bank of Chicago et al., Petitioners, vs. The Chicago Title & Trust Company, Trustee of Alexanders (Rodgers, Bankrupt.) On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had as well in support hereof as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, granted.

Per Mr. Chief Justice Taft.

8, original. The State of South Dakota, Complainant, vs. The State of North Carolina et al. It is ordered by the Court that this cause be, and the same is hereby restored to the docket for reargument and assigned for Monday, January 4th next, after the cases heretofore assigned for that day.

Per Mr. Chief Justice Taft.

James D. Dewell, Frederick B. Street and Charles K. Dewell, composing the firm of J. D. Dewell & Company, Plffs in Error, vs. John W. Mix. 176.

In Error to the Circuit Court of the United States for the District of Connecticut.

This cause having been called to the attention of the Court by Mr. Solicitor General Hoyt, of counsel for the defendant in error, and a stipulation to dismiss the writ of error in this cause having been filed, Therefor, in pursuance of said stipulation, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed.

Per Mr. Chief Justice Fuller.

374. The United States, Appellant, vs. Charles M. Thomas
375. Charles M. Thomas, Appellant, vs. The United States.

Mr. Solicitor General Hoyt submitted to the consideration of the Court a motion to advance these cases.

Winfield S. Gregg, Petitioner, vs. The Metropolitan Trust Company et al. 487.

The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Harlan Cleveland, in support of the same, and Mr. Herbert Parsons, in opposition thereto.

Ex parte In the matter of The Johnstown Mining Co., Petitioner. The motion for leave to file a petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. Wayne MacVeagh, Mr. Robert B. Smith, Mr. Frederick H. Whitridge, Mr. Willard Parker Butler, and Mr. Edwin P. Rice, in support of the same, and leave was granted Mr. James M. Beck to file a printed brief in opposition thereto on or before Friday next.

1492. William A. Slaughter et al., v. Petitioners. La Compagnie Francaise Des Cables Telegraphiques. The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. C. Walter Artz, in support of the same, and leave was granted Mr. E. K. Jones to file a brief in opposition thereto on or before Friday next.

433. State of Minnesota, v. Appellant. Northern Securities Company et al. The motion to dismiss in this cause was submitted to the consideration of the Court on the record and printed arguments by Mr. C. W. Bunn, Mr. George B. Young, Mr. M. D. Grover, and Mr. John L. Johnson, in support of the same, and Mr. W. B. Douglas, Mr. M. D. Munn, and Mr. George P. Wilson, in opposition thereto.

411.	Frederic W. Lincoln et al, Plffs in Error, vs. The United States.	Mr. A. H. VanDyke in behalf of Counsel for the plaintiffs in error, submitted to the

Consideration of the Court a motion to advance this cause, and leave was granted Mr. Solicitor General Hoyt to file a suggestion in relation to said motion within three days.

346.	Charles N. Shaw, Trustee, et al, Appellants, vs. The City of Covington et al.	The motion to advance in this cause was submitted to the

Consideration of the Court by Mr. F. J. Hanlon, in support of the same, and Mr. Miller Outcalt, in opposition thereto.

414.	The City of Covington et al., Appellants, vs. The First National Bank of Covington.	Mr. F. J. Hanlon, of Counsel for the City of Covington et al, submitted to the
415.	The First National Bank of Covington, Appellant, vs. The City of Covington et al.	Consideration of the Court a motion to advance these cases.

434.	Vacuum Oil Company, Petitioner, vs. Climax Refining Company.	The petition for a writ of certiorari herein was submitted to the Consideration

of the Court on printed arguments by Mr. A. L. Ward

in support of the Rule, and Mr. Frederick L. Taft, in opposition thereto.

1495. Ensenada Estate, vs. Affirm'd Error, Francis N. Dexter.

Mr. Frederic D. McKenney, of Counsel for the defendant in error, having filed in open Court the following certificate, to wit:

"District Court of the United States
For the District of Porto Rico.

I, A. N. Scoville, Clerk of the District Court of the United States for the District of Porto Rico, do hereby certify that in a certain cause pending in said Court wherein Francis N. Dexter was plaintiff and Ensenada Estate was defendant, a final judgment was rendered by said Court on the third day of June, A.D. 1903, in favor of the said Francis N. Dexter and against the said Ensenada Estate, and that on the fourth day of June A.D. 1903, said Ensenada Estate sued out a writ of error to said District Court, directed to remove said cause to the Supreme Court of the United States.

In testimony whereof I hereunto subscribe my name and affix the seal of said District Court, at San Juan, Porto Rico, this 11th day of November, A.D. 1903.

(Seal) A. N. Scoville, "Clerk."

moved the Court to docket and dismiss this cause

Court that the plaintiff in error has failed to have its cause filed and docketed in conformity with the rules of this Court, It is now here ordered and adjudged by this Court that the writ of error in this cause to the District Court of the United States for the District of Porto Rico be, and the same is hereby, docketed and dismissed with costs; and that this cause be, and the same is hereby, remanded to the said District Court to be proceeded in according to law and justice.

Per Mr. Chief Justice Fuller.

98. Hugh Stevenson et al., Appellants, vs. William Trim et al. It is ordered by the Court that this cause be, and the same is hereby, continued until the next term, per stipulation of counsel.

123. Ezra Eshelby, John P. Meehan, Patrick Meehan et al., Plffs in Error, vs. William Watts, Judge of the District Court of the State of Minnesota, 14th Judicial District, et al. In Error to the Supreme Court of the State of Minnesota.

It appearing to the Court that an authority of counsel for the plaintiffs in error to dismiss the writ of error in this cause has been filed, Therefore, in pursuance of said authority, It is now here ordered and adjudged by this Court that the writ of error in this cause be

and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Fuller.

80. The County of Stanislaus et al, Appellants
vs.
The San Joaquin and Kings River Canal & Irrigation Co.

Reargument of this cause was continued by Mr. J. P. Langhorne, of Counsel for the appellants, and Mr. W. B. Treadwell, of Counsel, for the appellee.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Tuesday, December 1st, 1903.

Pursuant to adjournment the Court met today at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened,

On motion first made to the Court in this behalf by Mr. Wayne MacVeagh, it is ordered that Brooks Adams, Esquire, of Quincy, State of Massachusetts, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Maggie A. Bradford,
vs.
Southern Railway Company.

No. 478.

On motion of Mr. Frederic D. McKenney in behalf of counsel for Maggie A. Bradford, leave is hereby granted to file the certificate herein and docket this case without payment of costs.

80. The County of Stanislaus et al., Appellants, vs. The San Joaquin and Kings River Canal & Irrigation Company. The argument of this cause was continued by Mr. H. B. Tredwell, of counsel for the appellee, and concluded by Mr. J. P. Langhorne, of counsel for the appellants.

240. The Delaware Indians, residing in the Cherokee Nation, Appellants, vs. The Cherokee Nation. The argument of this cause was commenced by Mr. Walter S. Logan, of counsel for the appellants, and continued by Mr. W. D. Hutchings and Mr. John J. Hemphill, of counsel for the appellee, and Mr. Walter S. Logan, of counsel for the appellants.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Wednesday, December 2d, 1903.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made, the Court is opened.

No. The Delaware Indians residing in the Cherokee Nation, Appellants, v. The Cherokee Nation.

The argument of this cause was concluded by Mr. Walter S. Logan, of counsel for the appellants.

221. August Clyff, Plff in Error, v. The United States,
222. Frederick L. Thiel, Plff in Error, v. The United States,
223. William Broadwell, Plff in Error, v. The United States,
301. Leo M. McCray, Plff in Error, v. The United States.

The argument of these cases was commenced by Mr. William D. Guthrie, of counsel for the plaintiffs in error in Nos. 221, 222, and 223, continued by Mr.

Solicitor General Hoyt, of counsel for the defendant in error, and concluded by Mr. Miller Outcalt, of counsel for the plaintiff in error in No. 301.

Leave was granted counsel to file additional briefs within one week.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

This day, December 3d, 1900.

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. John Ridout it is ordered that Samuel Crozier Ewing, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

79. Matilda R. Beasley et al., Appellants, vs. The Texas & Pacific Railway Co. This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. E. B. Kruttschnitt and Mr. H. P. Hall, of counsel for the appellants and Mr. John F. Dillon, Mr. William Wirt Howe, and Mr. W. B. Spencer, of counsel for the appellee

113. Jeung Lin Heung, Appellant, v. The United States. Appeal from the United States Circuit Court of Appeals for the Ninth Circuit.

This cause having been called to the attention of the Court by Mr. Solicitor General Hoyt, of counsel for the appellee, and a stipulation of counsel for the respective parties to dismiss this appeal having been filed, Therefore, in pursuance of the said stipulation, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed.

Per Mr. Chief Justice Fuller.

113. Jeung Lin Heung, Appellant, v. The United States. On motion of Mr. Solicitor General Hoyt, of counsel for the appellee, leave is hereby granted the Clerk to issue the mandate in this cause.

103. Spreckels Sugar Refining Co., Plff in Error, v. Penrose A. McClain, Collector &c. This cause was argued by Mr. John L. Johnson, of counsel for the plaintiff in error, and Mr. Solicitor General Hoyt, of counsel for the defendant in error.

152. Robert A. Chesebrough, Plff in Error, v. The United States. The argument of this cause was commenced by Mr.

of Counsel for the plaintiff in error, and continued by Wm. Assistant Attorney General Purdy, of Counsel for the defendant in error.—

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Pursuant to adjournment the Court met today at the Capitol.

Present:

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan,
David J. Brewer,
Henry B. Brown
Edward D. White, Associate
Rufus W. Peckham, Justices.
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day.
John G. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. N. D. Purdy it is ordered that Hubert J. Turney, Esquire, of Cleveland, State of Ohio, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William G. Johnson it is ordered that D. G. McIntosh, Esquire, of Towson, Md. D. K. Este Fisher, Esquire, of Baltimore, State of Maryland, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

152. Robert A. Chisebrough, (Aff in Error,
vs.
The United States,
Plaintiff in error.)

The argument of this cause was concluded by Mr. Paul Fuller, of counsel for the

113. George C. Thomas, (Aff in Error,
vs.
The United States.)

This cause was argued by Mr. Frank D. Davey, of counsel for the plaintiff in error, and Mr. Assistant Attorney General Purdy, of counsel for the defendant in error.

331. Warner, Barnes & Co., Limited, (Aff in Error,
vs.
Nevada N. Stranahan.)

The argument of this cause was commenced by Mr. Paul Fuller, of counsel for the plaintiff in error, continued by Mr. Solicitor General Hoyt, of counsel for the defendant in error, and concluded by Mr. Frederic R. Coudert, Jr., of counsel for the plaintiff in error.

14. Cyanine Co., MacDougall & Co., Limited, (Aff in Error,
vs.
George R. Bidwell, Collector &c.)

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Frederic R. Coudert, Jr., and Mr. Paul Fuller, of counsel for the plaintiff in error, and Mr. Solicitor General Hoyt, of counsel for the defendant in error.

225. Isabella Gonzales, Appellant, vs. William Williams, U.S. Commissioner of Immigration. The argument of this cause was commenced by Mr. Frederic R. Coudert, Jr., of counsel for the appellant, and continued by Mr. Solicitor General Hoyt, of counsel for the appellee, and Mr. Paul Fuller, of counsel for the appellant.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday, December 7th, 1903.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. M. D. Purdy it is ordered that Oscar M. Torrison, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard C. Dale it is ordered that William H. C. Anderson, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Judson Harmon it is ordered that William L. Marbury, Esquire, of Baltimore, State of Maryland, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William L. Johnson it is ordered that J. F. Bowie, Esquire, of San Francisco, State of California, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

56. The Pennsylvania Railroad Company, Plff in Error, vs. William Hughes & Benjamin F. A. Fleming, trading as Hughes & Fleming. In Error to the Supreme Court of the State of Pennsylvania.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Pennsylvania, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Day.

71. The Baltimore & Potomac Railroad Company and The Philadelphia, Wilmington & Baltimore Railroad Company, Plffs in Error, vs. Catharine Landrigan, Administratrix of the estate of Thomas J. Landrigan, deceased. (In Error to the Court of Appeals of the District of Columbia.)

This cause came on to be heard on the transcript of the record from the Court of Appeals of the District of Columbia, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Appeals in this cause be, and the same same is hereby, affirmed with costs.

Per Mr. Justice McKenna.

50. The Schuyler National Bank of Schuyler, Nebraska, and William H. Summers, Plffs in Error, vs. James Gadsden, George Thrush, Mattie Thrush et al. (In Error to the Supreme Court of the State of Nebraska.)

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Nebraska, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same

is hereby, reversed with costs; and that this cause be and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice White.

Dissenting:
Mr. Justice Brown and
Mr. Justice Brewer.

39. United States Fidelity & Guaranty Company,
vs.
United States, for the use and benefit of The Golden Pressed Brick and Tile Company, and The Golden Pressed Brick and Tile Company.

On a certificate from the United States Circuit Court of Appeals for the Eighth Circuit.

This cause came on to be heard on a certificate from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel. On consideration whereof, It is the opinion of this Court that the questions certified must be answered in the negative. Whereupon It is now here ordered by this Court that it be so certified to the said United States Circuit Court of Appeals.

Per Mr. Justice Brown.

53. La République Française and La Compagnie Fermière de L'Etablissement Thermal de Vichy, Petitioners, vs. The Saratoga Vichy Spring Company. On Writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the Northern District of New York.

Per Mr. Justice Brown.

74. The Norfolk & Western Railway Company and Mrs. O. L. Satterfield, Plffs in Error, vs. John R. Sims, Sheriff of Person County. In Error to the Supreme Court of the State of North Carolina.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of North Carolina, and was argued by Counsel. On consideration whereof, It is now here ordered

and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

(Per Mr. Justice Brown.)

(Mr. Justice Holmes did not participate in the decision of this case.)

66. John Arbuckle, William V. R. Smith, James N. Jarvie, and William A. Jamison, Appellants, vs. Joseph E. Blackburn, Dairy and Food Commissioner of the State of Ohio. Appeal from the United States Circuit Court of Appeals for the Sixth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel. On consideration whereof, it is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed for the want of jurisdiction.

(Per Mr. Chief Justice Fuller.)

(Mr. Justice Day took no part in the disposition of this case.)

Charles N. Shaw, Trustee, et al., Appellants,
446. vs.
The City of Covington et al.

On consideration of the motion to advance this cause, It is now here ordered by the Court that said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

The City of Covington et al., Appellants,
414. vs.
The First National Bank of Covington

On consideration of the motion to advance these cases, It is now here ordered by the Court that said motion be and the same is hereby, denied.

The First National Bank of Covington, Appellant,
415. vs.
The City of Covington et al.

Per Mr. Chief Justice Fuller.

Frederic W. Lincoln et al., Plffs in Error,
491. vs.
The United States.

On consideration of the motion to advance this cause, It is now here ordered by the Court that said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

State of Minnesota Appellant,
433. vs.
Northern Securities Co., et al.

It is ordered by the Court that the further consideration of the

motion to dismiss in this cause be postponed until the hearing of the cause on its merits.

Per Mr. Chief Justice Fuller.

1434. Vacuum Oil Company, Petitioner, vs. Climax Refining Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

1492. William A. Slaughter et al., Petitioners, vs. La Compagnie Francaise Des Cables Telegraphiques. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

1187. Winfield S. Gregg, Petitioner, vs. The Metropolitan Trust Company et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, granted.

Per Mr. Chief Justice Fuller.

Ex parte In the matter of The Johnstown Mining Company, Petitioner. On consideration of the motion for leave to file a petition for a writ of certiorari herein, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

No. The Royal Insurance Co., Plff in Error, vs. Rupert S. Martin, Executor &c. On motion of Mr. William G. Choate, of counsel for the plaintiff in error, leave is hereby granted him to file an additional brief herein.

273. Granville Rippey vs. Riffin Error; The State of Texas.

Mr. C. A. Culberson, of Counsel, submitted to the Consideration of the Court a motion to advance this cause.

500 Eugene Hughes et al, vs. Petitioners, A. Harrison, Master &c.

The petition for a writ of certiorari herein was submitted to the Consideration of the Court on printed arguments by Mr. Anthony Higgins and Mr. Henry Galbraith Ward, in support of the same, and Mr. John F. Lewis, in opposition thereto.

502. The American Bonding and Trust Company, vs. Petitioner, The Baltimore & Ohio South-western Railroad Co.

The petition for a writ of certiorari herein was submitted to the Consideration of the Court on printed arguments by Mr. William L. Marbury and Mr. Walter L. Granger, in support of the same; and Mr. Judson Harmon, in opposition thereto.

11, Original. State of Louisiana, vs. Complainant, State of Mississippi.

On motion of Mr. Alexander Porter Morse, of Counsel, for the Complainant, leave is hereby granted to file a general repli-

on motion of Mr. Harris Taylor, of Counsel for the defendant, leave is hereby granted to file exceptions to the answer to the cross bill within forty days.

498. Walter M. Dimmick, Petitioner, vs. The United States. The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. George D. Collins, in support of the same, and leave was granted Counsel for the respondent to file a brief in opposition thereto on or before Friday next.

179. The Trustees of Macalester College, Plff in Error, vs. The State of Minnesota. In Error to the Supreme Court of the State of Minnesota.

It appearing to the Court that a stipulation of Counsel for the respective parties to dismiss the writ of error in this cause has been filed, Therefore, in pursuance of said stipulation, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed.

Per Mr. Chief Justice Fuller.

275. Isabella Gonzales, Appellant, vs. William Williams, U.S. Commissioner of Immigration. The argument of this cause was concluded by Mr. Federico Degetau,

(by special leave) on behalf of appellant, and leave was granted. Mr. Solicitor General Hoyt, of counsel for the appellee, to file an additional brief on or before Friday next.

83. W. A. Spencer, Trustee, vs. Duplan Silk Company. } This cause was argued by Mr. F. M. B. Hicks, of counsel for the plaintiff in error, and Mr. William H. C. Anderson and Mr. Richard C. Dale, of counsel for the defendant in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Tuesday, December 8th, 1903.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. John J. Weed it is ordered that Samuel Douglas McEnery, Esquire, of New Orleans, State of Louisiana, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

No. 54. Charles McIntire, Appt, vs. Appt Md Plff in Error, Edwin A. McIntire, Admr &c.

No. 55. Edwin A. McIntire, Admr &c., Appt, vs. Appt Md Plff in Error, Charles McIntire.

These cases were argued by Mr. William G. Johnson, of Counsel for Charles McIntire, and Mr. Charles Cowles Tucker and

Mr. William Henry Dennis, of Counsel for Edwin A.

McIntire, Administrator &c.

The Royal Insurance Co.,
vs. } No. Off in Error,
Rupert o Martin, Executor &c.

Reargument of this cause was commenced by Mr. William G. Choate, of Counsel for the plaintiff in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Wednesday, December 9th, 1903.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made, the Court is opened.

On motion first made to the Court in this behalf by Mr. William G. Choate it is ordered that Louis Stureke, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. W. Williams it is ordered that C. P. Goodyear, Esquire, of Brunswick, State of Georgia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lee S. Overman it is ordered that Albert P. Massey, Esquire, of New York City, be admitted to practice

as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. B. Browne, it is ordered that Wayne B. Wheeler, Esquire, of Columbus, State of Ohio; William Scott Goodfellow, Esquire, of San Francisco, State of California; and John A. Lee, Esquire, of Chicago, State of Illinois, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

132. The Peoples Gas Light and Coke Co., Appellant, vs. The City of Chicago.

Mr. Francis J. Kearful, in behalf of counsel for the appellant, submitted to the consideration of the Court a motion for a writ of certiorari, and a stipulation of counsel in relation thereto. Whereupon, It is now here ordered by the Court that said motion be, and the same is hereby, granted, and that the certified transcript presented with said motion, and stipulation be taken and filed as a return to the writ of certiorari.

221. August Riff, Plff in Error, vs. The United States.
222. Frederick J. Lehlen, Plff in Error, vs. The United States.
223. William Broadwell, Plff in Error, vs. The United States.
224. Leo N. McCray, Plff in Error, vs. The United States.

On motion of Mr. Francis J. Kearful, of counsel for the plaintiffs in error in Nos. 221, 222, and 223, it is ordered by the Court that the time within which to file additional briefs in these cases be extended to Monday next.

No. The Royal Insurance Co., Plff in Error, vs. Rupert Martin, Executor &c. The argument of this cause was continued by Mr. William G. Choate, of counsel for the plaintiff in error, and Mr. Fritz von Briesen, of counsel for the defendant in error, and concluded by Mr. William G. Choate, of counsel for the plaintiff in error.

23. Thomas A. Begford et al., Appellants, vs. The United States. This cause was argued by Mr. John C. Chaney, of counsel for the appellants, and Mr. Assistant Attorney General Pradt, of counsel for the appellee.

87. Mary Skappizio et al., Appellants, vs. Minnie D. Goldberg et al. This cause was argued by Mr. Leo Simmons, of counsel for the appellants, and submitted on a printed argument by Mr.

Wednesday, December 9th, 1903, Continued

Thomas M. Fields, of Counsel for the appellees.

The Brunswick Terminal Company et al.,
vs.
The National Bank of Baltimore.

No.

The argument of this cause was commenced by Mr. Henry R. Williams, of Counsel for The Brunswick Terminal Co. et al.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Thursday, December 10th, 1903.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. D. W. Baker it is ordered that Joseph D. Brooks, Esquire, of Westminster, State of Maryland, and Gilbert L. Dupré, Esquire, of Opelousas, State of Louisiana, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis W. Cushman it is ordered that Joseph M. Adams, Esquire, of Spokane, State of Washington, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. D. A. Edwards it is ordered that Thomas Edwards Jr., Esquire, of Washington, District of Columbia, and Frederick R. Austin, Esquire, of Detroit, State of Michigan, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

88. The Brunswick Terminal Company et al., vs. The National Bank of Baltimore. Reargument of this cause was continued by Mr. Henry H. Williams, of counsel for the Brunswick Terminal Co., et al., and Mr. Frank Gosnell and Mr. William L. Marbury, of counsel for the National Bank of Baltimore, and concluded by Mr. C. P. Goodyear, of counsel for the Brunswick Terminal Co., et al.

54. Nicholas C. Benziger et al, Petitioners, vs. The United States. The argument of this cause, was commenced by Mr. W. Hickham Smith, of counsel for the Petitioners.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Friday, December 11th, 1903.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. J. C. McReynolds it is ordered that Henry A. Williams and Augustus T. Seymour, Esquires, of Columbus, State of Ohio, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. S. Boutell it is ordered that Henry W. Freeman, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. O. Wagenhorst it is ordered that John W.

Harris, Esquire, of Scranton, State of Pennsylvania, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. R. Mann it is ordered that Marquis Eaton, Henry H. Liman, John F. Smulski, Albert N. Eastman, and John C. F. Royer, Esquires, of Chicago, State of Illinois, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. William O. Ryan it is ordered that Frank R. Shattuck, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. A. Hochling Jr. it is ordered that Henry H. Arnold, Esquire, of New York City, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. S. M. Sparkman it is ordered that Hugh C. Macfarlane, Esquire, of Tampa, State of Florida, be admitted to practice as an attorney and Counsellor of this Court and he was sworn

sworn accordingly.

57. Nicholas C. Benziger et al., Petitioners, vs. The United States. The argument of this cause was continued by Mr. W. Wickham Smith, of counsel for the petitioners, and Mr. Assistant Attorney General McReynolds, of counsel for the respondent, and concluded by Mr. W. Wickham Smith, of counsel for the petitioners.

60. The New York County National Bank, Appellant, vs. Albert P. Massey, Trustee. This cause was argued by Mr. Latham G. Reed, of counsel for the appellant, and Mr. Louis Sturcke, of counsel for the appellee.

61. The People of the State of New York ex rel. The Pennsylvania Railroad Co., Plff in Error, vs. Eastus C. Knight, Comptroller &c. This cause was argued by Mr. Henry Galbraith Ward, of counsel for the plaintiff in error, and Mr. John Cunneen, of counsel for the defendant in error.

62. The Postal Telegraph-Cable Co., Plff in Error, vs. The Borough of New Hope and These cases were argued by Mr. Hank R. Shattuck, of counsel for the

93. The Postal Telegraph Cable Co., Plaintiff in error,
vs. } and Mr. William
The Borough of Taylor. } C. Ryan, of counsel,
for the defendant
in error in No. 92, and Mr. John M. Harris, of
Counsel for the defendant in error in No. 93.

Proclamation being made the Court is adjourned
until Monday next at twelve o'clock.

Monday, December 11th, 1905.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Attorney General Knox it is ordered that C. Stuart Patterson, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James A. Kay it is ordered that Hilary E. Messimer, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George P. Hoyt it is ordered that Charles [illegible]

Rowland, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. B. S. Rodey it is ordered that Granville A. Richardson, Esquire, of Roswell, Territory of New Mexico, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James McLachlan it is ordered that Lewis R. Kirby, Esquire, of San Diego, State of California, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. S. Pillsbury it is ordered that Oliver Dibble, Esquire, of San Francisco, State of California, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. S. Goodfellow it is ordered that Abraham Lewis, Jr., Esquire, of Honolulu, Territory of Hawaii, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. W. Griggs it is ordered that Charles R. Brock, Esquire, of Denver, State of Colorado, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. M. D. Munn it is ordered that N. M. Thompson, Esquire, of St. Paul, State of Minnesota, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. W. Aldrich it is ordered that Alfred J. Thomas, Esquire, of Wooster, State of Ohio, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Ridout it is ordered that John B. Leish, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. M. D. Grover it is ordered that Anson M. Beard, Esquire, of New York City, and Samuel Hill, Esquire, of Seattle, State of Washington, be

admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank W. Haskell it is ordered that Samuel R. Thayer, Esquire, of Minneapolis, State of Minnesota, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

The Deposit Bank of Frankfort, Plff in Error, v. The Board of Councilmen of the City of Frankfort. In Error to the Court of Appeals of the State of Kentucky.

33.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the State of Kentucky, and was argued by Counsel. On consideration whereof it is now here ordered and adjudged by this Court that the judgment of the said Court of Appeals in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby remanded to the said Court of Appeals for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Gray.

Dissenting:
Mr. Chief Justice Fuller,
Mr. Justice Brewer,
Mr. Justice Brown, and
Mr. Justice Jackson.

77. Matilda R. Beasley and Joseph C. Beasley, Appellants, v. The Texas & Pacific Railway Company. Appeal from the United States Circuit Court of Appeals for the Fifth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the Western District of Louisiana.

Per Mr. Justice Holmes.

Mr. Justice Brewer concurs in the result.

Mr. Justice Brown did not participate in the decision of this case.

The Chief Justice announced that the Court would take a recess from Monday next until Monday, January 6th, 1902.

114. Czarnikow, Mac Dougall & Company, Limited, v. Riffin Eror, George K. Bidwell. In Error to the Circuit Court of the United States for the Southern District of New York.

This cause came on to be heard on the transcript of

the record from the Circuit Court of the United States for the Southern District of New York, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Fuller.

Dissenting:
Mr. Chief Justice Fuller,
Mr. Justice Harlan,
Mr. Justice Brewer, and
Mr. Justice Peckham.

Warner, Barnes & Company, (Limited), Plff in Error, vs. Nevada N. Stranahan. } In Error to the Circuit Court of the United States for the Southern District of New York.

331.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Fuller,

Dissenting:
Mr. Chief Justice Fuller,
Mr. Justice Harlan,
Mr. Justice Brewer, and

Monday, December 11th, 1905, Continued.

88. The Brunswick Terminal Company et al., v. The National Bank of Baltimore. It is ordered by the Court that a writ of certiorari issue in this cause to bring up the entire record and case for the consideration of the Court.

Per Mr. Chief Justice Fuller.

498. Walter N. Dimmick, v. The United States. Petitioner, On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel in support of the same, It is now hereordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

500. Eugene Hughes et al., v. J. Harrison, Master of the British Steamship "Glenochil." On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, as well in Sup-

port of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

(Per Mr. Chief Justice Fuller.)

507. The American Bonding & Trust Company, Petitioner, v. The Baltimore & Ohio South-western Railroad Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

(Per Mr. Chief Justice Fuller.)

10, Original. The United States, Complainant, v. The State of Michigan. On motion of Mr. Solicitor General Hoyt, of Counsel for the Complainant, leave is hereby granted to file replication herein.

494. J. D. Nordlinger, Petitioner, v. The United States. The petition for a writ of certiorari herein was submitted to the consideration of the Court

Peckham and Mr. Albert Comstock, in support of the same, and Mr. Solicitor General Hoyt, in opposition thereto.

509. John Bristin et al., Petitioners, v. Carnegie Steel Co., Limited. The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. James J. Kaufman, Mr. James H. Cooke, and Mr. James J. Young, in support of the same, and leave was granted counsel for the respondent to file a brief in opposition thereto on or before Friday next.

No. Caroline H. Dobbins, Plff in Error, v. The City of Los Angeles. Mr. James McLachlan, in behalf of counsel for the plaintiffs in error, submitted to the consideration of the Court motions to advance these cases.

No. Martin Daly, Plff in Error, v. Charles Elon, Chief of Police.

No. 175. Lindley D. Sinclair, Plff in Error, v. The District of Columbia. In Error to the Court of Appeals of the District of Columbia.

This cause having been called to the attention of the Court by Mr. Charles C. Cole, of counsel for the plaintiff in error, and he having moved the Court to dismiss the writ of error in this cause, Therefore, in pursuance of said motion, It is now here ordered

and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Fuller.

116. The Hawaiian Tramways Company, Limited, Plaintiff in Error, vs. The Honolulu Rapid Transit & Land Company. In Error to the Supreme Court of the Territory of Hawaii.

This cause having been called to the attention of the Court by Mr. J. J. Darlington, of counsel for the plaintiff in error, and he having moved the Court to dismiss the writ of error in this cause, Therefore, in pursuance of said motion, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Fuller.

510. F. A. Poupsirt, Petitioner, vs. Elder & Dempster Shipping, Limited. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Floyd Hughes, in support of the same, and Mr. Robert M. Hughes, in opposition thereto.

477. Jacob E. Jacobsen et al., Petitioners, vs. The Dalles, Portland & Astoria Navigation Company.

The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. P. J. Geisler and Mr. H. H. Cotton, in support of the same, and Mr. Franklin P. Mays and Mr. Rufus Mallory, in opposition thereto.

505. The City of Worcester, Petitioner, vs. The Eastern Trust & Banking Company.

506. Isaac N. Kinney et al., Petitioners, vs. The Eastern Trust & Banking Company.

The petitions for writs of certiorari herein were submitted to the consideration of the Court on printed arguments by Mr. O. W. Aldrich and Mr. Alfred J. Thomas, in support of the same, and Mr. William B. Sanders, in opposition thereto.

4, Original. The State of Missouri, Complainant, vs. The State of Illinois et al.

Mr. Frank S. Bright, in behalf of counsel, asked and obtained leave of the Court to file a motion in relation to the printing of the record herein, and, in pursuance of said motion, leave is hereby granted the complainant to have said record printed as provided in said motion.

4, Original. The State of Missouri, Complainant, vs. The State of Illinois et al. On motion of Mr. Grant S. Bright, in behalf of Counsel. It is ordered by the Court that the time for taking testimony herein, be, and the same is hereby extended to April 1st 1904.

105. John D. Spreckels, Appellant, vs. George W. Wittman, Chief of Police of the City & County of San Francisco, State of California, Appeal from the Circuit Court of the United States for the Northern District of California.

It appearing to the Court that counsel for the appellant to dismiss this appeal has been filed, Therefore, in pursuance of said authority, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed with cost.

per Mr. Chief Justice [illegible]

106. W. S. Locke, Appellant, vs. George W. Wittman, Chief of Police of the City & County of San Francisco, State of California. Appeal from the Circuit Court of the United States for the Northern District of California.

It appearing to the Court that counsel for the appellant to dismiss this appeal

Monday, December 11th, 1893, Continued

authority. It is now here ordered, adjudged, and decreed by this Court, that this appeal be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Fuller.

107. Donald M. Pherson, Appellant, vs. Henry B. F. Macfarland, John H. Ross, and John Biddle, Commissioners of the District of Columbia. } Appeal from the Court of Appeals of the District of Columbia.

This cause having been called for hearing in its regular order, and it appearing to the Court that the parties have failed to print the transcript of the record, It is, therefore, in pursuance of the tenth rule of this Court, now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Fuller.

257. S. A. Heltmer et al., Plffs in Error, vs. C. M. Dicks. } The motions to dismiss or affirm in this cause were submitted to the consideration of the Court on the record and printed arguments by Mr. H. C. Scarritt, in support of the same, and Mr. James A. Hardless, in opposition thereto.

277. The Northern Securities Company et al., Appellants, vs. The United States

On motion of Mr. John G. Johnson, of counsel, for the appellants leave is hereby granted to three counsel to argue this cause for the appellants, and it is ordered, that they be allowed two hours additional time for the argument; and that counsel for the appellee be also allowed two hours additional.

277. The Northern Securities Company et al., Appellants, vs. The United States

The argument of this cause was commenced by Mr. John G. Johnson, of counsel, for the appellants and continued by Mr. Charles W. Bunn, of counsel for the appellants and Mr. Attorney General Knox, of counsel for the appellee.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Tuesday, December 8th, 1903.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. John M. Griggs it is ordered that William M. Lanning, Esquire, of Trenton, State of New Jersey, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. B. Whitney it is ordered that Noble E. Dawson, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. R. A. Ferrell it is ordered that Samuel A. D. Watkins, Esquire, of Chicago, State of Illinois,

be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. M. D. Purdy it is ordered that Albert J. Smith, Esquire, of Minneapolis, State of Minnesota, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William A. Anderson it is ordered that Frank M. Christian, Esquire, of Richmond, and Frank Lyon, Esquire, of Overlook, Alexandria County, State of Virginia, be admitted to practice as attorneys and Counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. F. H. Cushman it is ordered that Walter Christian, Esquire, of Tacoma, State of Washington, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John F. Shafroth it is ordered that Carlton M. Welles, Esquire, of Denver, State of Colorado, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Ridout it is ordered that Charles Earle, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

111. Peter J. Heinz substituted for Anna M. Heinz, deceased, Appellant, v. Henry B. F. Macfarland, John W. Ross & John Biddle Commissioners of the District of Columbia. } Appeal from the Court of Appeals of the District of Columbia.

This cause having been called for hearing in its regular order, and it appearing to the Court that the parties have failed to print the transcript of the record, &c., therefore, in pursuance of the tenth rule of this Court, now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is, hereby, dismissed with costs.

Per Mr. Chief Justice Fuller.

277. The Northern Securities Company, et al., Appellants, vs. The United States. } The argument of this cause was continued by Mr. Attorney General Knox, of counsel for the appellee, and concluded by Mr. George B. Young, of counsel for the appellants. Leave

arguments.

94. Lindley E. Sinclair, Plff in Error
vs.
The District of Columbia.

This cause was argued by Mr. L. C. Cole and Mr. J. J. Darlington, of Counsel for the Plaintiff in error, and submitted on printed arguments by Mr. Andrew B. Duvall and Mr. Edward A. Thomas, of Counsel for the defendant in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Wednesday, December 16th 1903.

Pursuant to adjournment the Court met today at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer
Edward D. White
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices

John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. J. C. Watson it is ordered that John V. Morgan, Esquire, of Nebraska City, State of Nebraska, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. H. B. Heyburn it is ordered that Lucius G. Nash, Esquire, of Spokane, State of Washington, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Abram J. Rose it is ordered that Howard B. Gans, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. B. Browne it is ordered that Allen P. Rees, Esquire, of Houghton, State of Michigan, and Dennis T. Flynn, Esquire, of Oklahoma City, Territory of Oklahoma, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. H. L. Jones it is ordered that R. H. Sloan, Esquire, of Waterville, State of Washington, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. R. Ross Perry, Jr., it is ordered that Chas. J. Bieber, Esquire, of Reading, State of Pennsylvania, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. S. Pillsbury it is ordered that The

admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

501. Albert J. Adams, Plff in Error, vs. The People of the State of New York.

Mr. Abram J. Rose, of counsel for the plaintiff in error, submitted to the consideration of the Court a motion to advance this cause.

121. Henry Lockhart, Appellant, vs. A. C. Leeds et al.

On motion of Mr. A. B. Browne, in behalf of counsel, it is ordered by the Court that this cause be, and the same is hereby, passed temporarily.

No. Ferdinand M. Joplin, individually & as Admr &c, Plff in Error, vs. Theodore C. Chachere et al.

This cause was argued by Mr. Samuel D. McEnery of counsel for the plaintiff in error, and Mr. Gilbert L. Dupré, of counsel for the defendant in error.

97. The Town of Weston, Appellant, vs. Sallie E. Tierney.

This cause was argued by Mr. E. A. Brannon, of counsel for the appellant. No counsel appeared for the appellee.

100. Daniel Cronin, Plff in Error, vs. Frank Adams et al.; Daniel Cronin, Plff in Error, vs. The City of Denver; 101.

These causes were argued by Mr. Charles R. Brock, of counsel, for the defendant in error, and submitted on printed arguments by Mr. Milton Smith of counsel for the plaintiff in error.

104. The German Savings and Loan Association, Plff in Error, vs. Dora May Dormitzer et al.

The argument of this cause was commenced by Mr. H. S. Goodfellow, of counsel, for the plaintiff in error, and continued by Mr. Lucius G. Nash and Mr. Robert A. Howard, of counsel for the defendants in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Thursday, December 17th, 1903.

Pursuant to adjournment the Court met today at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. M. E. Olmsted it is ordered that George P. Brownell, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. D. G. McIntosh it is ordered that Osborne A. Pellott, Esquire, of Towson, State of Maryland, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. L. J. Darlington it is ordered that [illegible]

Martin, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Henry Butler it is ordered that Frederick C. Hyer, Esquire, of Rahway, State of New Jersey, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

122. Daniel H. Carstairs et al., vs. Affts in Error, Millie B. Cochran, Treasurer & Collector of Baltimore County

Wm. D. G. McIntosh, of counsel for the defendant in error suggested the death of Millie B. Cochran and moved the Court to make G. Albert Mayes, his successor as Treasurer and Collector of Baltimore County, the party defendant in error in this cause. Whereupon, it is now here ordered by the Court that the said G. Albert Mayes, Treasurer & Collector of Baltimore County, be, and he is, hereby, made the party defendant in error.

118. C. H. Cornell et al., vs. Affts in Error, T. E. Coyne, late Collector &c.

On motion of Mr. Assistant Attorney General McReynolds, of counsel for the defendant in error, It is ordered by the Court that this cause be, and the same is hereby, passed for

William A. Paulsen,
No. 120. vs. Plff in Error.
The People of the State of Illinois.

It is ordered by the Court that this cause, be and the same is hereby passed.

The German Savings & Loan Society,
No. 104. vs. Plff in Error,
Dora May Dormitzer et al

The argument of this cause was continued by Mr. Robert A. Howard, of counsel for the defendants in error, and concluded by Mr. H. S. Goodfellow, of counsel for the plaintiff in error.

James G. James,
No. 108. vs. Appellant,
George N. Appel.

This cause was argued by Mr. J. G. Bowie, of counsel for the appellant, and submitted on a printed argument by Mr. C. W. Holcomb, Mr. W. C. Keegan, and Mr. J. N. McGowan, of counsel for the appellee.

Commercial National Bank of Portland, Plff in Error,
No. 109. vs.
Henry Steinhard.

The argument of these cases was commenced by Mr. E. S. Pillsbury, of counsel for the plaintiff in error, and continued by Mr. Thomas O'Day, of counsel for the defendants in error.

Commercial National Bank of Portland, Plff in Error,
No. 110. vs.
George N. Williams.

Proclamation being made the Court is adjourned until

Friday, December 8th 1893.

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice
John M. Harlan,
David J. Brewer,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made, the Court is opened

On motion first made to the Court in this behalf by Mr. Joseph K. McCammon it is ordered that John C. Weaver, Esquire, of Philadelphia, State of Pennsylvania, and S. D. Evans, Esquire, of Des Moines, State of Iowa, be admitted to practice as attorneys and Counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John A. Mitchell it is ordered that W. L. Boise and Charles A. Carey, Esquires, of Portland, State of Oregon, be admitted to practice as attorneys and Counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr Melvin Grigsby it is ordered that Albert Fink, Esquire, of Seattle, State of Washington, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. S. Pillsbury it is ordered that S. L. Brown, Esquire, of San Francisco, State of California, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. L. Smith it is ordered that Alexander Marshall, Esquire, of Duluth, State of Minnesota be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

109. Commercial National Bank of Portland, vs. Aff'g in Error. Henry Heinhard.

110. Commercial National Bank of Portland, vs. Aff'g in Error. George N. Williams.

For the plaintiff in error.

The argument of these cases was continued by Mr. Thomas O'Day of counsel for the defendants in error, and concluded by Mr. E. S. Pillsbury, of counsel.

112. The Wabash Railroad Co, vs. Ayff in Error, William N. Pearce et al, Executors &c.

This cause was submitted to the consideration of the Court on the record & printed arguments by Mr. Wells A. Blodgett of counsel for the plaintiff in error, and Mr. Edward C. Kehr, of counsel for the defendants in error.

115. The Wabash Railroad Co. vs. Ayff in Error, Alexander Flannigan et al

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Wells A. Blodgett of counsel for the plaintiff in error, and Mr. John D. Johnson, of counsel for the defendants in error.

117. George W. Crossman et al, vs. Ayff in Error, Theodor G. Surman et al

This cause was argued by Mr. Frederic R. Kellogg, of counsel for the plaintiffs in error, and Mr. Charles Steward Davison, of counsel for the defendants in error.

383. The United States ex rel. Charles P. Steinmetz, vs. Ayff in Error, Frederick I. Allen, Commissioner of Patents.

It is ordered by the Court that this cause be, and the same is hereby re-assigned for

Friday, December 18th, 1903, (Continued)

Monday, January 11th. next, after the cases heretofore assigned for that day.

Ex parte. In the matter of Herman Hasek, (Petitioner.)

13 Original.

The argument of this case was commenced by Mr. Charles J. Hedrick, of Counsel for the petitioner.

(Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present:

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court [illegible]

On motion first made to the Court in this behalf by Mr. F. A. Stewart it is ordered that Albert P. Worthen, Esquire, of Boston, State of Massachusetts, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Melville Church it is ordered that Frederick S. Lyon, Esquire, of Los Angeles, State of California, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. R. Mannix it is ordered that Allan A. Gilbert, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

75. Ulysses S. G. White, Appellant, vs. The United States. Appeal from the Court of Claims.

This cause came on to be heard on the transcript of the record from the Court of Claims, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Day.

148. Toltec Ranch Company, Plff in Error, vs. George Cook, S. N. Cook, Alfred Ward et al. In Error to the Supreme Court of the State of Utah.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Utah, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice McKenna.

149. Toltec Ranch Company
vs.
William Babcock and Louisa Babcock.

In Error to the Supreme Court of the State of Utah.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Utah, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice McKenna.

(Mr. Justice Brewer concurs in the judgment.)

83. W. N. Spencer, Trustee in bankruptcy of the estate of James V. Bennett, and Samuel W. Rothrock, Partners as Bennett & Rothrock,
vs.
Duplan Silk Company.

In Error to the United States Circuit Court of Appeals for the Third Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of juris

97. The Town of Weston, Appellant, v. Sallie E. Tierney. Appeal from the Circuit Court of the United States for the Northern District of West Virginia.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of West Virginia, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, reversed with costs; And that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to dismiss the bill for want of jurisdiction.

Per Mr. Chief Justice Fuller.

257. S. A. Weltmer and J. N. Kelly, Plffs in Error, v. C. M. Bishop. In Error to the Supreme Court of the State of Missouri.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Missouri, and on motions to dismiss or affirm which were argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

374. The United States, App't, vs. Charles M. Thomas.
375. Charles M. Thomas, App't, vs. The United States.

On consideration of the motion to advance these cases, It is now here ordered by the Court that said motion be, and the same is hereby, granted, and the cases assigned for argument on Tuesday, October 11th next.

Per Mr. Chief Justice Fuller.

Caroline W. Dobbins vs. Affin Error,
400. The City of Los Angeles.
Martin Daly, vs. Affin Error,
401. Charles Elton, Chief of Police.

On consideration of the motions to advance these cases, It is now here ordered by the Court that said motions be, and the same are hereby, granted, and the cases assigned for argument on Tuesday, October 11th next, after the cases heretofore assigned for that day.

Per Mr. Chief Justice Fuller.

Albert J. Adams, vs. Affin Error
504. The People of the State of New York.

On consideration of the motion to advance this cause, It is now here ordered by the Court that said motion be, and the same is hereby, granted, and the case assigned for argument on Monday, January 25th next, after the cases heretofore assigned for that day.

Per Mr. Chief Justice Fuller.

1477. Jacob E. Jacobsen et al., Petitioners, vs. The Dalles Portland & Astoria Navigation Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

(Per Mr. Chief Justice Fuller.)

1494. J. D. Nordlinger, Petitioner, vs. The United States. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby denied.

(Per Mr. Chief Justice Fuller.)

505. The City of Wooster, Petitioner, vs. The Eastern Trust and Banking Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

506. Isaac N. Kinney et al., Petitioners, vs. The Eastern Trust and Banking Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of Counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

John Duslin et al., Petitioners,
vs.
Carnegie Steel Company, Limited.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

No. 512.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

Frank A. Pouppirt, Petitioner,
vs.
Elder Dempster Shipping, Limited.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

No. 510.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

453. John M. Sloan et al., Appellants, vs. The United States et al.
454. Josephine Mitchell, Appellant, vs. The United States et al.
455. Emeil Peters, Appellant, vs. The United States
456. Frank A. Peters, Appellant, vs. The United States et al.
457. Walter V. Peters, Appellant, vs. The United States et al.
458. Jacob Peters, Appellant, vs. The United States et al.
459. Sarah F. McCreary, Appellant, vs. The United States et al.
460. Jennie M. Arnold, Appellant, vs. The United States et al.
461. Mitchell Monette et al., Appellants, vs. The United States et al.
462. Cassie McKaren, Appellant, vs. The United States et al.
463. Thomas Banadar, Appellant, vs. The United States
464. Mary Sailors, Appellant, vs. The United States et al.
465. Artemesia Frost, Appellant, vs. The United States.
466. Edward Kuhn, Appellant, vs. The United States
467. Ethel Kuhn Rutledge, Appellant, vs. The United States.
468. Charles Frost, Appellant, vs. The United States
469. Celestine B. Kuhn, Appellant, vs. The United States
470. Stella Kuhn, Appellant, vs. The United States
471. Philemon N. Frost, Appellant, vs. The United States et al.
472. Leonard Frost, Appellant, vs. The United States et al.
473. Maggie E. Rockwell, Appellant, vs. The United States et al.
474. Mitchell Monette, Appellant, vs. The United States
475. John M. Sloan, Appellant, vs. The United States et al.

Mr. Solicitor General Hoyt submitted to the consideration of the Court a motion to advance these cases.

476. The Interstate Commerce Commission, Appellant, vs. [illegible]

Mr. Solicitor General Hoyt, of counsel for the appellant,

consideration of the Court a motion to advance this cause.)

382. The United States ex rel. Charles P. Steinmetz, Plff in Error, v. Frederick I. Allen, Commissioner of Patents.

The petition for a writ of certiorari, herein was submitted to the consideration of the Court by Mr. Melville Church and Mr. Frederic A. Betts, in support of the same, and leave was granted counsel for the respondent to file a brief in opposition thereto.

516. William J. Buttfield, Plff in Error, v. The United States.

Mr. Henry E. Davis, in behalf of counsel for the plaintiff in error, submitted to the consideration of the Court a motion to advance this cause.

511. The Boston Dry Goods Co., Petitioner, v. Jeremiah Smith, Jr., et al.

The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Francis H. Stewart, in support of the same, and Mr. Arthur D. Hill, in opposition thereto.

268. Richard N. Lufkin et al, vs. Mary A. Lufkin. Pltffs in Error, — The motions to dismiss or affirm in this cause were submitted to the consideration of the Court on the record and printed arguments by Mr. Charles T. Gallagher, in support of the same, and Mr. Frank N. Stewart and Mr. A. P. Worthen, in opposition thereto.

B, Original. Ex parte. In the matter of Herman Trasch, Petitioner. — Reargument of this case was continued by Mr. Charles J. Hedrick, of Counsel for the petitioner, and Mr. Assistant Attorney General McReynolds, of Counsel for the respondents, and concluded by Mr. Charles J. Hedrick, of Counsel for the petitioner.

Proclamation being made the Court is adjourned until Monday, January 4, 1904, at twelve o'clock.

Monday, January 4th, 1904.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice
John M. Harlan,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Alfred Russell it is ordered that A. O. Young, Esquire, of Ishpeming, and Scott W. Hazell, Esquire, of Marquette, State of Michigan, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Crammond Kennedy it is ordered that Howard Thayer Kingsbury, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. M. D. O'Connell it is ordered that George H. Carr and A. C. Parker, Esquires, of Des Moines, and John L. Stevens, Esquire, of Boone, State of Iowa, be admitted to practice as attorneys and Counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederic D. McKenney it is ordered that Bankson T. Morgan and William M. Seabury, Esquires, of New York City, be admitted to practice as attorneys and Counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Franklin S. Richards it is ordered that Waldemar Van Cott, Esquire, of Salt Lake, State of Utah, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George P. Wilson it is ordered that Rufus C. Thayer, Esquire, of Colorado Springs, State of Colorado, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf

Wilson, Esquire, of Montgomery, State of Alabama, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

The New York County National Bank, Appellant, vs. Albert P. Massey, Trustee in bankruptcy of George H. Sleger and Frederick H. Sleger. } Appeal from the United States Circuit Court of Appeals for the Second Circuit.

No.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, reversed with costs, and that the order of the District Court of the United States for the Southern District of New York be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said District Court.

Per Mr. Justice Day.

Dissenting:
Mr. Justice McKenna.

84. Charles McIntire
vs. } Appt's
Edwin A. McIntire, Administrator
c.t.a. of David McIntire. } Appellees.

Appeals from and Error to the Court of Appeals of the District of Columbia.

85. Edwin A. McIntire, Administrator
c.t.a. of David McIntire, et al.,
vs. } Appts
Charles McIntire. } Appellee in Error.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the District of Columbia and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Court of Appeals in this cause, be, and the same is hereby, affirmed each party to pay their own costs.

Per Mr. Justice Holmes.

1011. The German Savings & Loan Society
vs. } Pltff in Error,
Dora May Dormitzer, William L. Tull and Ernest B. Tull.

In Error to the Supreme Court of the State of Washington.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Washington, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judg

and the same is hereby, affirmed with costs.
Per Mr. Justice Holmes.

(Dissenting:
Mr. Justice McKenna.)

108. James G. James, Appellant, vs. George A. Appel. (Appeal from the Supreme Court of the Territory of Arizona.)

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory of Arizona, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.
Per Mr. Justice Holmes.

2. The Citizens' Bank of Louisiana, Plff in Error, vs. Caleb A. Parker, Tax Collector of the First District of the City of New Orleans. (In Error to the Supreme Court of the State of Louisiana.)

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Louisiana, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be and

the same is hereby reversed with costs, and that this cause be, and the same is hereby remanded, to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

(Per Mr. Justice McKenna.)

Dissenting:
Mr. Justice Brewer
Mr. Chief Justice Fuller and
Mr. Justice Harlan.

100. Daniel Cronin, Plff in Error, v. Frank Adams et al., Constituting The Fire and Police Board of the City of Denver, et al. — In Error to the Supreme Court of the State of Colorado.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Colorado, and was argued by counsel. On consideration whereof it is now here ordered, and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

(Per Mr. Justice McKenna.)

101. Daniel Cronin, Plff in Error, v. The City of Denver. — In Error to the Supreme Court of the State of Colorado.

This cause came on to be heard on the transcript

of Colorado, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with Costs.

Per Mr. Justice McKenna.

No. 46. Ferdinand M. Joplin, individually, and as Administrator of the Succession of Bemet Joplin, vs. Plff in Error, Theodore C. Chachere, John P. Bourgni and Victor C. Sittig. In Error to the Supreme Court of the State of Louisiana.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Louisiana, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby affirmed with Costs.

Per Mr. Justice McKenna.

No. 54. Nicholas C. Benziger and, Louis Benziger, composing the firm of Benziger Brothers, vs. Petitioners, The United States. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

This cause came on to be heard on the transcript

of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals and the judgment of the Circuit Court of the United States for the Southern District of New York in this cause be, and the same, are hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to reverse the decision of the board of general appraisers and of the Collector and to direct the Collector to admit the figures to free entry.

Per Mr. Justice Peckham.

99. The Postal Telegraph Cable Company, Plff in Error, vs. The Borough of New Hope. In Error to the Supreme Court of the State of Pennsylvania.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Pennsylvania, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceed-

of this Court.

Per Mr. Justice Peckham.

Dissenting:
Mr. Justice Harlan and
Mr. Justice Brewer.

93. The Postal Telegraph-Cable Company, Plff in Error, vs. The Borough of Taylor. In Error to the Supreme Court of the State of Pennsylvania.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Pennsylvania, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Peckham.

Dissenting:
Mr. Justice Harlan and
Mr. Justice Brewer.

115. The Wabash Railroad Company, Plff in Error, vs. Alexander Flannigan and Virgil Rule. In Error to the St. Louis Court of Appeals of the State of Missouri.

This cause came on to be heard on the transcript of the record from the St. Louis Court of Appeals of the State of Missouri, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Justice White.

91. The People of the State of New York on the relation of The Pennsylvania Railroad Company, Plff in Error, vs. Erastus C. Knight, Comptroller of the State of New York. In Error to the Supreme Court of the State of New York.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of New York, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed,

211. Lindley C. Sinclair, Plff in Error, vs. The District of Columbia, } In Error to the Court of Appeals of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the District of Columbia, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

225. Isabella Gonzales, Appellant, vs. William Williams, United States Commissioner of Immigration at the Port of New York. } Appeal from the Circuit Court of the United States for the Southern District of New York.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the final order of the said Circuit Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court with a direction to discharge Gonzales.

Per Mr. Chief Justice Fuller.

469. The Interstate Commerce Commission, Appellant, vs. David G. Baird et al. On consideration of the motion to advance this cause, It is now here ordered by the Court that said motion be, and the same is hereby, granted, and the cause assigned for argument on Monday, March 7th next.

Per Mr. Chief Justice Fuller.

453. John M. Sloan et al, Appellants, vs. The United States et al.
454. Josephine Mitchell, Appellant, vs. The United States et al.
455. Emeie Peters, Appellant, vs. The United States.
456. Frank A. Peters, Appellant, vs. The United States et al.
457. Walter V. Peters, Appellant, vs. The United States et al.
458. Jacob Peters, Appellant, vs. The United States et al.
459. Sarah F. McEvoy, Appellant, vs. The United States et al.
460. Annie M. Arnold, Appellant, vs. The United States et al.
461. Mitchell Morette et al, Appellants, vs. The United States et al.
462. Cassie M. Kinch, Appellant, vs. The United States et al.
463. Thomas Berard, Appellant, vs. The United States et al.
464. Mary Sailors, Appellant, vs. The United States et al.
465. Artemesia Frost, Appellant, vs. The United States.
466. Edward Kuhn, Appellant, vs. The United States.
467. Ethel L. Kittredge, Appellant, vs. The United States.
468. Charles Frost, Appellant, vs. The United States.
469. Celestine B. Kuhn, Appellant, vs. The United States.
470. Stella Kuhn, Appellant, vs. The United States.
471. Philemon A. Frost, Appellant, vs. The United States et al.
472. Leonard Frost, Appellant, vs. The United States et al.
473. Marie Rochelle, Appellant, vs. The United States et al.

514. Mitchell Monette, Appellant, vs. The United States.
515. John M. Sloan, Appellant vs. The United States et al

On consideration of the motion to advance these cases, It is now here ordered by the Court that said motion be and the same is hereby granted and the cases assigned for argument as one case, and only on that condition, on Monday, March 7th next after the case heretofore assigned for that day.

Per Mr. Chief Justice Fuller.

516. William J. Bullfield, Claimant, Plff in Error, vs. The United States.

On consideration of the motion to advance this cause, It is now here ordered by the Court that said motion be, and the same is hereby granted and the case assigned for argument with Cases Nos. 294 and 296 as one case.

Per Mr. Chief Justice Fuller.

511. The Boston Dry Goods Company, Petitioner, vs. Jeremiah Smith, Jr., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of Counsel thereupon had, as well in support of as against the same, It is now here

ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

168. Richard A. Luffkin, John W. Luffkin and Elizabeth A. Luffkin, Plffs in Error, vs. Mary A. Luffkin. In Error to the Supreme Judicial Court of the State of Massachusetts.

This cause came on to be heard on the transcript of the record from the Supreme Judicial Court of the State of Massachusetts, and on motions to dismiss or affirm which were argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

231. Henry C. Payne, Postmaster General, Plff in Error, Petitioner, vs. The United States on the relation of The National Railway Publication Company. Motion to affirm and Certiorari to the Court of Appeals of the District of Columbia.

This cause having been called to the attention of the Court by Mr. Solicitor General Hoyt, of counsel for the plaintiff in error and petitioner, and he having moved the Court to dismiss the writ of error

the writ of certiorari in this cause; Therefore, in pursuance of said motion, It is now here ordered and adjudged by this Court that the writ of error and the writ of certiorari in this cause, be, and the same are hereby dismissed with costs.

Per Mr. Chief Justice Fuller.

232. Henry C. Payne, Postmaster General, vs. Plff in Error & Petitioner, The United States ex relatione, The Railway List Company. On writs of error and certiorari to the Court of Appeals of the District of Columbia

This cause having been called to the attention of the Court by Mr. Solicitor General Hoyt, of Counsel for the plaintiff in error and petitioner, and he having moved the Court to dismiss the writ of error and the writ of certiorari in this cause; Therefore, in pursuance of said motion, It is now here ordered and adjudged by this Court that the writ of error and the writ of certiorari in this cause be, and the same are hereby, dismissed with costs.

Per Mr. Chief Justice Fuller.

542. The American Credit Indemnity Co., of New York, vs. Petitioner, The Carrollton Furniture Manufacturing Co. The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. Albert

Stickney, in support of the same.

516. William A. Chapman et al., Petitioners, v. Montgomery Water Power Co. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. H. A. Gunter and Mr. L. L. Smith in support of the same, and Mr. Edmund A. Graham, Mr. Horace Stringfellow, and Mr. Robert S. Steiner, in opposition thereto.

503. William N. Pope, Plff in Error, v. John M. C. Williams et al. Mr. William A. Pope submitted to the consideration of the Court a motion to advance this cause.

517. Martin N. Sullivan, Petitioner, v. William N. Mitchell. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Thomas N. Watts, in support of the same, and Mr. William A. Blount, in opposition thereto.

8, Original. The State of South Dakota, Complainant, v. The State of North Carolina et al. Mr. Frederic D. McKenney submitted to the con-

Monday, January 7th, 1907, Continued

Court a motion for leave to file the answer of Simon Rothschilds one of the defendants herein

United States Fidelity & Guaranty Company, vs. The United States use &c. of Golden Pressed Fire Brick Co.

Bef. On motion of Mr. J. F. Shafroth, in behalf of counsel, leave is hereby granted the Clerk to issue the mandate in this cause.

533. Montgomery Water Power Co., Petitioner, vs. William A. Chapman et al.

The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Thomas N. Clark, Mr. Edward A. Graham, Mr. Horace Stringfellow, and Mr. Robert C. Steiner, in support of the same, and Mr. H. A. Gunter and Mr. G. L. Smith, in opposition thereto.

534. Green Etheridge, Plff in Error, vs. The State of Alabama.

Mr. Massey Wilson, of counsel for the defendant in error, having filed in open Court the following certificate, to wit:

"Circuit Court of the United States,
In the Northern District of Alabama Northern Division.
I, Chas. J. Allison, Clerk of the Circuit Court of the United States for the Northern District of Alabama, Nor. Div. do hereby certify that in a

Certain Cause pending in said Court wherein The State of Alabama was plaintiff and Green Etheridge, was defendant a final judgment was rendered by said Court, the Cause was remanded to the State Court, on the twenty-second day of October, A.D. 1902, in favor of the said The State of Alabama, and against the said Green Etheredge, and that on the 22nd day of October, 1902, the said Green Etheredge sued out a writ of error to said Circuit Court, directed to remove said cause to the Supreme Court of the United St.

In testimony whereof I hereunto subscribe my name and affix the seal of said Circuit Court, at Huntsville, Ala., this 4th. day of June, A.D. 1903.

(Seal)

Chas. J. Allison, Clerk.

Moved the Court to docket and dismiss this cause pursuant to the 9th rule: and it appearing to the Court that the plaintiff in error has failed to have his cause filed, and docketed in conformity with the Rules of this Court, It is now here ordered and adjudged by this Court that the writ of error in this cause to the Circuit Court of the United States for the Northern District of Alabama be, and the same is hereby docketed and dismissed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court to be proceeded in according to law and justice.

Howe Scale Company of 1886, et al., Petitioners,
vs.
1465. Hyer Koff, Seaman & Benedict.

The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Edmund Wetmore and Mr. Henry D. Donnelly, in support of the same, and Mr. Austen G. Fox, Mr. J. N. Pierce, Mr. George P. Fisher Jr. and Mr. William Henry Dennis, in opposition thereto, and leave was granted Counsel for the respondents to file a reply brief within five days.

N. Hutchfield & Company, Limited, Petitioner,
vs.
547. The United States.

The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Maxwell Evarts, in support of the same, and Mr. Solicitor General Hoyt, in opposition thereto.

The Postal Telegraph Company, Plff in Error,
vs.
377. Mary E. Sheridan.

In Error to the Superior Court of the State of Pennsylvania.

It appearing to the Court that an authority of Counsel for the plaintiff in error to dismiss the writ of error in this cause has been filed, Therefore, in pursuance of said authority, It is ordered

ordered and adjudged by this Court that the writ of error in this Cause be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Fuller.

378. The Postal Telegraph Company, Plaintiff in Error, vs. Moraldus Calkins. In Error to the Superior Court of the State of Pennsylvania.

It appearing to the Court that an authority of Counsel for the Plaintiff in error to dismiss the writ of error in this Cause has been filed, Therefore, in pursuance of said authority, It is now here ordered and adjudged by this Court that the writ of error in this Cause be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Fuller.

379. The Postal Telegraph Company, Plaintiff in Error, vs. William J. Huber. In Error to the Superior Court of the State of Pennsylvania.

It appearing to the Court that an authority of Counsel for the Plaintiff in error to dismiss the writ of error in this Cause has been filed, Therefore, in pursuance of said authority, It is now here ordered and adjudged by this Court that the writ of error in this Cause be, and the same is hereby,

380. The Postal Telegraph Company, vs. C. N. Deeker and Martha Deeker, life tenants, and Floyd Deeker et al. } Def'ts in Error, } In Error to the Superior Court of the State of Pennsylvania.

Appearing to the Court that an authority of counsel for the plaintiff in error to dismiss the writ of error in this cause has been filed. Therefore, in pursuance of said authority, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Fuller.

381. The Postal Telegraph Company, vs. George Roberts. } Def't in Error, } In Error to the Superior Court of the State of Pennsylvania.

It appearing to the Court that an authority of Counsel for the plaintiff in error to dismiss the writ of error in this cause has been filed, Therefore in pursuance of said authority, It is now hereby ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Fuller.

382. The Postal Telegraph Company, Plff in Error, vs. William D. Guthrie. In Error to the Supreme Court of the State of Pennsylvania.

It appearing to the Court that an authority of counsel for the plaintiff in error to dismiss the writ of error in this cause has been filed, Therefore, in pursuance of said authority, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Fuller.

407. Dan Rogers, Plff in Error, vs. The State of Alabama. This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Wilford H. Smith, of Counsel for the plaintiff in error, and Mr. Massey Wilson, of Counsel for the defendant in error.

294. William J. Buttfield, Plff in Error, vs. N. M. Shanahan, Collector.
296. William J. Buttfield, Plff in Error, vs. George R. Bidwell.
316. William J. Buttfield, Plff in Error, vs. The United States.

These cases were argued by Mr. James C. Bishop, of Counsel for the plaintiff in error, and Mr. E. B. Whitney, of Counsel for the defendants in error.

Proclamation being made the Court is adjourned until

Tuesday January 8th 1901.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Thomas H. Clark it is ordered that Frederick C. McLaughlin, Esquire, of New York City, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry M. Duffield it is ordered that Dixie B. Duffield, Esquire, of Detroit, State of Michigan, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. J. Beveridge, it is ordered that Dixon Eaton Esquire, of San Francisco, State of California, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. B. Douglas it is ordered that James B. Muir, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

No. 21. The Defiance Water Co., Appellant, vs. The City of Defiance et al. On motion of Mr. Thomas H. Clark, in behalf of Counsel for the appellant, It is ordered by the Court that the mandate in this cause be stayed for thirty days from December 30th.

No. 115. The United States of America vs. The Northern Pacific R.R. Co., et al. This cause was argued by Mr. Charles W. Russell, of Counsel for The United States of America, and Mr. C. W. Bunn, of Counsel for The Northern Pacific R.R. Co., et al.

Nos. 337 & 338. Jackson H. Giles, Plff in Error, vs. These cases were argued by Mr.

Monday, January 4th, 1904. Continued.

of Counsel for the Plaintiff in error, and M. H. A. Hunter, of Counsel for the Defendants in error.)

14. The United States, Appellant
v.
The California & Oregon Land Co.

The California & Oregon Land Co., Appellant,
v.
The United States.

The reargument of these causes was commenced by Mr. John F. Dillon, of Counsel for the California & Oregon Land Co.)

Proclamation being made the Court is adjourned until tomorrow at two o'clock.

Wednesday, January 6th, 1902.

Pursuant to adjournment the Court met today at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Edward D. White,
Rufus W. Peckham,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.
John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened,

On motion first made to the Court in this behalf by Mr. Taylor Everett Brown it is ordered that William R. Green, Esquire, of Audubon, State of Iowa, and Edward P. Smith, Esquire, of Minden, State of Nebraska, be admitted to practice as attorneys and counselors of this Court and they were severally sworn accordingly.

231.

Henry C. Payne, Postmaster General, Plff in Error and Petitioner,
v.
The U.S. ex rel. National Railway Publication Co.

On motion of Mr. Clarence R. Wilson, of counsel, for the defendant in error and respondent, leave is hereby granted the Clerk to issue the man-

No. 11. The United States, Appellant, vs. The California & Oregon Land Co. The California & Oregon Land Co., Appellant, vs. The United States.

The argument of these Cases was continued by Mr. John F. Dillon of Counsel for The California & Oregon Land Co. and Mr. Russell of Counsel for The United States.

(Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan,
David J. Brewer,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. H. L. Jones it is ordered that Thomas T. Kerl, Esquire, of Spokane, State of Washington, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Chester I. Long it is ordered that Charles Curtis, Esquire, of Topeka, State of Kansas, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Wednesday, January 30, 1901, continued.

11 The United States, Appellant, vs. The California & Oregon Land Co. The reargument of these Cases was continued by Mr. Charles H. Russell, of counsel for The United States, and concluded by Mr. A. B. Browne, of counsel for The California & Oregon Land Co.

57. The California & Oregon Land Co., Appellant, vs. The United States.

433. State of Minnesota, Appellant, vs. Northern Securities Co, et al. On motion of Mr. M. D. Munn, of counsel for the Appellant It is ordered by the Court that counsel on each side be allowed three hours for the argument of this cause and that two counsel be allowed to open the argument on behalf of the Appellant.

433. State of Minnesota, Appellant, vs. Northern Securities Co, et al. The argument of this cause was commenced by Mr. W. B. Douglas, of counsel for the Appellant, and continued by Mr. M. D. Munn, of counsel for the Appellant.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Friday, January 8th, 1904.

Pursuant to adjournment the Court met today at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Charles A. Culberson it is ordered that John Charles Harris, Esquire, of Houston, and Edward F. Harris, Esquire, of Galveston, State of Texas, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John W. Daniel it is ordered that Charles V. Ruth, Esquire, of Newport News, State of Virginia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Friday, January 8th, 1904, Continued.

State of Minnesota, Appellant,
1133. vs.
Northern Securities Co. et al.

The argument of this cause was continued by Mr. George B. Young and Mr. John G. Johnson, of counsel for the appellees, and concluded by Mr. M. D. Munn, of counsel for the appellant.

The State of South Dakota, Complainant,
Original. vs.
The State of North Carolina et al.

The argument of this cause was commenced by Mr. Wheeler H. Peckham, of counsel for the complainant.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday, January 11th, 1904.

Pursuant to adjournment the Court met to-day at the Capitol.

Present:

The Honorable Melville W. Fuller, Chief Justice
John M. Harlan,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Hoyt it is ordered that James A. Griffin, Esquire, of Washington, District of Columbia, and Terence J. McManus, Esquire, of New York City, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. C. McReynolds it is ordered that Hartwell Cabell, Esquire, of Cincinnati, State of Ohio, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf, by Mr. John F. Dillon it is ordered that Charles S. Wheeler, Esquire, of San Francisco, State of California, be admitted to practice as attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. M. Woolworth it is ordered that Frank D. Robison and Richard S. Horton, Esquires, of Omaha, State of Nebraska, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. A. Hayden it is ordered that William F. Sheehan, Esquire, of New York City, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harvey M. Friend it is ordered that Edgar C. Chapman, Esquire, of San Francisco, State of California, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

George H. Crossman and Herman Sieleken, Composing the firm of H. H. Crossman & Brother,

vs.

Theodor L. Lunman and Benjamin D. Williams, as Theodor L. Lunman & Company.

In Error to the Supreme Court of the State of New York.

117.

Plffs in Error,

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of New York, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be and the same is hereby affirmed with costs.

Mr. Mr. Justice White

The Royal Insurance Company,

vs.

Rupert S. Martin, as Executor of the will of Francisco Martin, deceased.

In Error to the District Court of the United States for the District of Porto Rico.

No.

Plff in Error.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of Porto Rico, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said District

reversed with costs; and that this cause be, and the same is hereby, remanded to the said District Court with directions to set aside the judgment and grant a new trial.

(Per Mr. Justice Harlan.)

25. John M. Ward, Appellant, v. Morris N. Sherman and David Hardenberg. Appeal from the Supreme Court of the Territory of Arizona.

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory of Arizona, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court, that the decree of the said Supreme Court in this cause be, and the same is hereby, reversed, with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court with directions to reverse the judgment of the District Court and remand the case to that Court for further proceedings in conformity to the views expressed in the opinion of this Court.

(Per Mr. Justice Brewer.
(Announced by Mr. Chief Justice Fuller.)

112. The Wabash Railroad Company, Plff in Error, vs. William M. Pearce and The Mississippi Valley Trust Company, Executors of Charles E. Pearce, deceased. In Error to the St. Louis Court of Appeals of the State of Missouri.

This cause came on to be heard on the transcript of the record from the St. Louis Court of Appeals of the State of Missouri, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Appeals in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is, hereby, remanded to the said Court of Appeals for further proceedings not inconsistent with the opinion of this Court.

(Per Mr. Justice Brewer.)
(Announced by Mr. Chief Justice Fuller.)

1145. Howe Scale Company of 1886, et al., Petitioners, vs. Wyckoff, Seamans & Benedict. On consideration of the petition for a cross-writ of certiorari herein, and of the argument of counsel thereupon had, as well in support of as against the same, It is now ordered by the Court that said petition be, and the same is hereby, granted, the transcript of record heretofore filed to be taken as a return.

to the writ.

Per Mr. Chief Justice Fuller.

William A. Pope, Plff in Error,
303. v. In consideration
John M. C. Williams et al. of the motion to advance this cause,
It is now here ordered by the Court that said motion be, and the same is hereby, granted and the cause assigned for argument on Monday, March 7th next, after the cases heretofore assigned for that day.

Per Mr. Chief Justice Fuller.

Martin A. Sullivan, On petition for writ of certiorari
517. v. Petitioner, to the United States Circuit Court
William A. Milliken. of Appeals for the Fifth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

The American Credit Indemnity Company of New York, Petitioner, vs. The Carrollton Furniture Manufacturing Company. } On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

522

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of Counsel in support of the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

William A. Chapman et al., Petitioners vs. Montgomery Water Power Company. } On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

526

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of Counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

Montgomery Water Power Company, Petitioner, v. William A. Chapman & Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

S. 33.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

N. Hackfeld & Company, Limited, Petitioner, v. The United States. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

S. 37.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, granted.

Per Mr. Chief Justice Fuller.

354. The United States, Appellant
vs.
John M. Somervell.

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Assistant Attorney General Pradt and Mr. Philip M. Ashford, of counsel for the appellant, and Mr. Frank B. Crosthwaite, of counsel for the appellee.

Lo Sing, alias Low Sing, alias Lue Sing, Appellant,
vs.
The United States.
Li Yung Hong, alias Lee Gin Hong, Appellant,
vs.
The United States.

Mr. Solicitor General Hoyt, of counsel for the appellee submitted to the consideration of the Court motions to docket and dismiss these cases.

518. The Bank of British Columbia, Petitioner,
vs.
Percy P. Moore, Administrator &c.

The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. John F. Dillon, Mr. Harry Hubbard, Mr. John M. Dillon, Mr. Fisher A. Baker, and Mr. Sidney V. Smith, in support of the same, and leave was granted counsel for the respondent to file a brief in opposition thereto within five days, and to counsel for the petitioner file a reply thereto within two days thereafter.

339. Thomas H. Phillips, Petitioner, vs. Iola Portland Cement Co. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. John Charles Harris and Mr. Edward F. Harris, in support of the same, and Mr. E. B. Webster, in opposition thereto.

356. The American Steel & Wire Co., Plff in Error, vs. R. A. Speed, Clerk of County Court of Shelby County. This cause was submitted to the consideration of the Court, pursuant to the 30th rule, on the record and printed arguments by Mr. Josiah Patterson, of counsel for the plaintiff in error, and Mr. Charles P. Cates, Jr., and Mr. H. A. Carroll, of counsel for the defendant in error.

361. Henry F. Dimon, Master &c., Petitioner, vs. The Allan Steamship Company, Limited, Owners &c. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. R. V. Smith, in support of the same, and Mr. Henry R. Edmunds, in opposition thereto.

410. James E. Wakefield, Plff in Error, vs. Robert Van Rensell. The motion to dismiss in this cause was submitted to the consideration of the

Court on the record and printed argument by Wm. Arthur Keithley, in support of the same.)

The State of South Dakota, Complainant, vs. The State of North Carolina et al Defendants. (Original.)

The reargument of this cause was continued by Mr. James H. Merriman for the defendant The State of North Carolina, by Mr. D. L. Russell, for the defendant Charles Saller, and Mr. Robert D. Gilmer, for the defendant The State of North Carolina.)

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Tuesday, January 22d, 1901.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
} Associate Justices

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Wheeler H. Peckham it is ordered that Willard Saulsbury, Esquire, of Wilmington, State of Delaware, be admitted to practice as an attorney and counselor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Chester I. Long it is ordered that A. B. Quinton and Milton Brown, Esquires, of Topeka, State of Kansas, be admitted to practice as attorneys and counsellors of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. P. Greeley it is ordered that Frederick L.

Emery, Esquire, of Boston, State of Massachusetts be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in his behalf by Mr. J. M. Harrington it is ordered that John H. Wolfe, Esquire, of Cincinnati, State of Ohio, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

J. Original. The State of Kansas, Complainant, vs. The State of Colorado et al. On motion of Mr. John F. Shepard, in behalf of counsel for the defendants, leave is hereby granted to file a stipulation of counsel in relation to filing additional pleadings herein, and, in pursuance of said stipulation, It is now here ordered by the Court that the complainant therein be, and it is hereby, required to plead on or before the first Monday of March next to the answer of the State of Colorado filed herein on October 19th, 1903, and to each and every of the other answers filed by other defendants.

Per Mr. Chief Justice Fuller.

156. Edmund J. Smiley, Plaintiff in Error, vs. The State of Kansas. Ordered by the Court that this cause be, and the same is hereby, continued

Tuesday, January 9th, 1900, Continued.

stipulation of counsel.)

The State of South Dakota, } Original. } Complainant,
vs.
The State of North Carolina et al.

The argument of this cause was concluded by Mr. Wheeler H. Peckham, of counsel for the complainant.

307. Ah How alias Louie Ah How, Appt, vs. The United States.
308. Ung Do, alias Chu Gee, Appellant, vs. The United States.
309. Low Guey, Appellant, vs. The United States.
310. Tom Kong, alias Kom Poc, Appt, vs. The United States.
311. Tom Dock, alias Kom Dock, Appt, vs. The United States.
312. Yung Lee, Appellant, vs. The United States.
313. Lee Kit, Appellant, vs. The United States.

These cases were argued by Mr. Terence J. McManus, of counsel for the appellants, and Mr. Solicitor General Hoyt, of counsel for the appellee.

383. The United States ex rel. Charles P. Steinmetz, vs. Writ of Error, Frederick I. Allen, Commissioner of Patents.

The argument of this cause was commenced by Mr. Frederic A. Betts, of counsel for the plaintiff in error, and continued by Mr. Assistant Attorney General McReynolds, of counsel for the defendant in error, and Mr. Melville Church, of counsel for the plaintiff in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Wednesday, January 23d, 1901.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made, the Court is opened.

On motion first made to the Court in this behalf by Mr. O. H. Platt it is ordered that William McKenney, Esquire, of Naugatuck, State of Connecticut, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. H. Merillat it is ordered that William E. Ambrose, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. B. Browne it is ordered that Herbert R. Maulatt, Esquire, of St. Louis, State of Missouri, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

545. George Wellington Streeter, Appellant, vs. Thomas E. Barrett, Sheriff of Cook County, Illinois.

Mr. Henry W. Hoyt, in behalf of Mr. Charles S. Deneen, of counsel for the appellee, having filed a transcript of the record of this cause duly certified by the Clerk of the Circuit Court of the United States for the Northern District of Illinois, under the seal of said Court, setting forth the order of said Court in this cause and that an appeal therefrom was duly prayed by the said George Wellington Streeter and allowed by the said Circuit Court, and having stated that the appellant had altogether failed to have his cause filed and docketed in conformity with the rules of this Court, moved the Court to docket and dismiss this appeal pursuant to the 9th rule. Whereupon, It is now here ordered, adjudged, and decreed by this Court that this appeal from the Circuit Court of the United States for the Northern District of Illinois be, and the same is hereby, docketed and dismissed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court to be

(proceeded in according to law and justice.)
(Per Mr Chief Justice Fuller.)

545. George Wellington Steele, Appellant, vs. Thomas E. Barrett, Sheriff &c. On motion of Mr. Henry M. Hoyt in behalf of counsel for the appellee, leave is hereby granted the Clerk to issue the mandate in this cause.

Southern Railway Co., Aff'g in Error, vs. James L. Carson. Mr. J. Altheus Johnson, of counsel for the defendant in error, submitted to the consideration of the Court a motion to docket and dismiss this cause pursuant to the 6th rule. Whereupon it appearing to the Court that this cause has been docketed, It is now here ordered by the Court that said motion be, and the same is hereby, denied.

133. John L. Hemming, Appellant, vs. The Morton Trust Company, The New York & Ottawa Railroad Company et al. Appeal from the Circuit Court of the United States for the Northern District of New York.

This cause having been called for hearing in its regular order, and it appearing to the Court that the parties have failed to print the transcript

of the tenth rule of this Court, nowhere ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Fuller.

383. The United States ex rel. Charles P. Steinmetz, Plff in Error, v. Frederick I. Allen, Commissioner of Patents.

The argument of this cause was concluded by Mr. Melville Church, of Counsel for the plaintiff in error.

119. Alvin L. Leigh, Plff in Error, v. Henry S. Green.

The argument of this cause was commenced by Mr. J. M. Woolworth, of Counsel for the plaintiff in error, continued by Mr. Edward P. Smith and Mr. William R. Green, of Counsel, for the defendant in error, and concluded by Mr. William D. McHugh, of Counsel for the plaintiff in error.

122. Daniel N. Carstairs et al, Plffs in Error, v. G. Albert Mayer, Treasurer &c.

The argument of this cause was commenced by Mr. A. K. Eite Fisher, of Counsel for the plaintiffs in error.

(Proclamation being made) the Court is adjourned until tomorrow at twelve o'clock.

Thursday, January 14th, 1904.

Pursuant to adjournment the Court met today at the Capitol.

Present:

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Edward D. White, Associate
Rufus W. Peckham, Justices.
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Josiah Patterson it is ordered that Malcolm R. Patterson, Esquire, of Memphis, State of Tennessee, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William E. Mason it is ordered that Charles M. Greenfield, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

137. Rainwater-Bradford Nat Company et al., vs. Appellants, W. A. McBride, Green McCurtain, D. N. Robb, Administrator of the estate of G. G. Rendell, et al. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit.

This cause having been called for hearing in its regular order, and it appearing to the Court that the parties have failed to print the transcript of the record, It is, therefore, in pursuance of the tenth rule of this Court, now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Fuller.

177. Daniel A. Carstairs et al., vs. Plffs in Error, G. Albert Mayer, Treasurer &c. The argument of this cause was continued by Mr. D. K. Este Fisher, of counsel for the plaintiffs in error and Mr. D. G. McIntosh and Mr. Osborne I. Gellott, of counsel for the defendant in error, and concluded by Mr. D. K. Este Fisher, of counsel for the plaintiffs in error.

124. The Cincinnati Street Railway Co., vs. Plff in Error, Charles B. Snell This cause was argued by Mr. J. H. Warrington, of counsel for the

plaintiff in error, and Mr. John M. Wolfe, of Counsel for the defendant in error.

125. Charles L. Redding et al., Plffs in Error, vs. Romanza Jerome Mayfield. The argument of this Cause was commenced by Mr. Merrill, Moores, of Counsel for the plaintiffs in error;

Proclamation being made the Court is adjourned, until tomorrow at twelve o'Clock.

Friday, January 8th, 1904.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

No. 578. Le Sing, alias Lon Sing, alias Lue Sing, Appellant, vs. The United States.

Mr. Solicitor General, Asst. Attorney General for the appellee, having filed in open Court the following certificate, to wit:

"District Court of the United States,
For the Eastern District of New York.

I, Richard P. Morle, Clerk of the District Court of the United States for the Eastern District of New York, do hereby certify that in a certain cause pending in said Court wherein The United States of America was complainant and Le Sing, alias Lon Sing alias Lue Sing was defendant a final decree was rendered by said District

Court on the 23d day of [illegible] A.D. 1903, in favor of the said The United States of America and against the said Lo Sing, alias Lou Sing, alias Lue Sing, and that on the 3d day of July, A.D. 1903, said Lo Sing, alias Lou Sing, alias Lue Sing prayed an appeal to the Supreme Court of the United States, which was allowed.

In testimony whereof I hereunto subscribe my name and affix the seal of said District Court, at Brooklyn this 11th day of January A.D. 1904.

(Seal)

Richard P. Morley, Clerk.

Moved the Court to docket and dismiss this cause pursuant to the 6th rule; and it appearing to the Court that the appellant has failed to have this cause filed and docketed in conformity with the rules of this Court, It is now here ordered, adjudged, and decreed by this Court that this appeal from the District Court of the United States for the Eastern District of New York be, and the same is hereby, docketed and dismissed; and that this cause be, and the same is hereby, remanded to the said District Court to be proceeded in according to law and justice.

Per Mr. Chief Justice Fuller.

Li Chung Hong, alias Lee Gin Hong, Appellant, v. The United States. 514.

Mr. Solicitor General Hoyt, of counsel for the appellee, having filed in open Court the fol-

lowing certificate, to wit:

"District Court of the United States,
For the Eastern District of New York.

I, Richard P. Morle, Clerk of the District Court of the United States for the Eastern District of New York, do hereby certify that in a certain cause, pending in said Court wherein The United States of America was complainant and Li Chung Hong, alias Lee Gin Hong was defendant a final decree was rendered by said District Court on the 23d day of June A.D. 1903, in favor of the said The United States of America and against the said Li Chung Hong, alias Lee Gin Hong, and that on the 3d day of July A.D. 1903, said Li Chung Hong alias Lee Gin Hong prayed an appeal to the Supreme Court of the United States, which was allowed.

In testimony whereof I hereunto subscribe my name and affix the seal of said District Court, at Brooklyn, New York, this 4th day of January, A.D. 1903.

(Seal)

Richard P. Morle, Clerk."

Moved the Court to docket and dismiss this cause, pursuant to the 9th rule: and it appearing to the Court that the appellant has failed to have this cause filed and docketed in conformity with the rules of this Court, It is now here ordered, adjudged, and decreed by this Court that this appeal from the District Court of the United States for the Eastern District of New York be, and the same is

hereby docketed and dismissed; and that this cause be, and the same is hereby, remanded to the said District Court to be proceeded in according to law and justice.

Per Mr. Chief Justice Fuller.

140. John L. Henning, Appellant, vs. The Morton Trust Company, The New York & Ottawa Railroad Company, Henry W. Sage, Receiver, et al. — Appeal from the Circuit Court of the United States for the Southern District of New York.

This cause having been called for hearing in its regular order, and it appearing to the Court that the parties have failed to print the transcript of the record, it is, therefore, in pursuance of the tenth rule of this Court, now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Fuller.

125. Charles L. Wedding et al., Plffs in Error, vs. Romanza Jerome Mayfield. — The argument of this cause was continued by Mr. Merrill Moores, of Counsel for the plaintiffs in error, and Mr. D. W. Sanders, of Counsel for the defendant in error, and concluded by Mr. Merrill Moores, of Counsel for the plaintiffs in error.

176. The American Book Co., Plff in Error,
vs.
The State of Kansas ex rel.,
Galen Nichols, County Attorney &c.

The argument of this cause was commenced by Mr. W. H. Rossington, of Counsel for the plaintiff in error, and continued by Mr. A. B. Dunton and Mr. L. C. Clemons, of Counsel for the defendant in error.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday January 18th, 1904.

Pursuant to adjournment the Court met today at the Capitol.

Present.

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan,
David J. Brewer,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Hoyt it is ordered that Ulysses G. Denman, Esquire, of Toledo, State of Ohio, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas H. Carter it is ordered that George N. Stanton, Esquire, of Great Falls, State of Montana, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank B. Crosthwaite it is ordered that Thomas L. Sloan, Esquire, of Ponca, State of Nebraska, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

87. Mary Shappirio and Jacob D. Shappirio, Appellants, vs. Minnie D. Goldberg and George Goldberg. — Appeal from the Court of Appeals of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the District of Columbia, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Court of Appeals in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Day.

109. Commercial National Bank of Portland, vs. Henry Steinhard. — In Error to the Supreme Court of the State of Oregon.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Oregon, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged

by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Day.

110. Commercial National Bank of Portland, Plff in Error, vs. George H. Williams. In Error to the Supreme Court of the State of Oregon.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Oregon, and was argued by Counsel. On consideration whereof, It is now here ordered & adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Day.

107. Dan Rogers, Plff in Error, vs. The State of Alabama. In Error to the Supreme Court of the State of Alabama.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Alabama, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, reversed with costs; and that this cause

Supreme Court for further proceedings not inconsistent with the judgment of this Court.

Per Mr. Justice Holmes.

93. Thomas C. Bedford and Emma Bedford, Appellants, vs. The United States. Appeal from the Court of Claims.

This cause came on to be heard on the transcript of the record from the Court of Claims, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause be, and the same is hereby, affirmed.

Per Mr. Justice McKenna.

80. The County of Stanislaus in the State of California et al., Appellants, vs. The San Joaquin & Kings River Canal and Irrigation Company. Appeal from the Circuit Court of the United States for the Northern District of California.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of California, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby reversed

with costs; and that this cause be, and the same is hereby remanded to the said Circuit Court with directions to dismiss the bill without prejudice.

(per Mr. Justice Peckham.)

361. Peggy F. Dunton, Master of the Schooner "Lydia M. Deering," v. The Allan Steamship Company, Limited, owner of the Steamship "Siberian." Petitioner, On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

(per Mr. Chief Justice Fuller.)

539. Thomas A. Phillips, v. The Iola Portland Cement Company. Petitioner, On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, as well in

ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

State of Minnesota,
v. Appellant,
1133. Northern Securities Co., et al.

It is ordered by the Court that leave be, and the same is hereby, given counsel to file briefs herein within twenty days on the question whether the Circuit Court properly took jurisdiction of the case on removal.

Per Mr. Chief Justice Fuller.

The United States,
v. Appellant,
354. John M. Somerwell.

Appeal from the Court of Claims.

This cause came on to be heard on the transcript of the record from the Court of Claims, and was argued by Counsel. On consideration whereof, it is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause be, and the same is hereby, affirmed.

Per Mr. Chief Justice Fuller.

James E. Wakefield,
v. In Error,
410. Robert H. Van Tassell.

In Error to the Supreme Court of the State of Illinois.

This cause came on to be heard on the transcript

of the record from the Supreme Court of the State of Illinois, and on a motion to dismiss which was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

372. Henry O. Houghton, Trustee, et al., Appellants, v. Henry C. Payne, Postmaster General, Bates & Guild Company, Appellee.

373. Henry C. Payne, Postmaster General, Appellant, v. Ormond G. Smith, et al., Appellees.

481. Henry C. Payne, Postmaster General, Appellant, v. Henry O. Houghton, Trustee, et al., Appellees.

Mr. Solicitor General Hoyt, of counsel for the appellee, submitted to the consideration of the Court a motion to advance these cases.

535. George W. Beavers, Appellant, v. William Hendel, U.S. Marshal &c. Maurice Runkle, Appellee.

543. Maurice Runkle, Appellant, v. William Hendle, U.S. Marshal &c.

Mr. Solicitor General Hoyt, of counsel for the appellee, submitted to the consideration of the Court motions, to advance these cases.

548. Lo Sing, alias Lou Sing vs.
The United States. } Appellant,

549. Li Hung Chong, alias vs.
The United States. } Appellant,

On motion of Mr. Solicitor General Hoyt, of counsel for the appellee, leave is hereby granted the Clerk to issue the mandates in these cases.

551. The Board of County Commissioners of the County of Kearny, Kansas, vs. Louise M. Irvine. } Petitioner,

552. The Board of County Commissioners of the County of Kearny Kansas, vs. William Edward Coffin et al. } Petitioner,

The petitions for writs of certiorari herein were submitted to the consideration of the Court by Mr. Millon Brown and Mr. George Gilly, in support of the same, and leave was granted counsel for the respondents to file briefs in opposition thereto within five days.

531. Louisville & Nashville Railroad Company, vs. J. M. Timmons, Admr. } Petitioner,

The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. J. H. Judd, in support of the same.

384. A. L. Smalley et al., Plffs in Error, v. George F. Langenour et al. The motions to dismiss or affirm in this cause were submitted to the consideration of the Court on the record and printed arguments by Mr. J. H. McGowan and Mr. W. C. Hogin, in support of the same, and Mr. Charles S. Voorhees and Mr. Reese H. Voorhees, in opposition thereto.

177. Julius S. Bache, Appellant, v. Samuel Hunt, as Receiver &c. et al. The suggestion of diminution of the record and motion for writ of certiorari in this cause was submitted to the consideration of the Court on printed arguments by Mr. A. A. Joline, in support of the same, and Mr. F. Spiegelberg, in opposition thereto.

555. Adolph Ottinger, Plff in Error, v. The People of the State of California. Mr. William A. Maury, of counsel for the defendants in error, having filed in open Court the following certificate, to wit:

"I, John J. Greif, County Clerk of the City and County of San Francisco, State of California, and ex officio Clerk of the Superior Court of the State of California, in and for the City and County of San Francisco, do hereby certify that in that

entitled, to wit: "The People of the State of California, Plaintiff, against Adolph Ottinger, Defendant, and numbered 111,601 in the Criminal Records of said Court, a writ of error was duly sued out, on the 9th day of April, 1903, and that said writ of error was allowed and a supersedeas upon the judgment in said writ mentioned was granted by Hon. J. C. B. Hebbard, one of the Judges of said Superior Court, on the 9th day of April, 1903, said writ of error commanding the said Superior Court and the said J. C. B. Hebbard, Judge thereof, to have the records and proceedings with all things concerning the same in said action in the Supreme Court of the United States at the City of Washington, in the District of Columbia, on the 5th day of June, 1903.

"Witness my hand and the seal of said Superior Court this 8th day of January, A.D. one thousand nine hundred and four.

(Seal)

John J. Greif
County Clerk of the City and County of San Francisco and ex officio Clerk of the Superior Court of the State of California in and for the City and County of San Francisco."

Moved the Court to docket and dismiss this cause pursuant to the 9th rule: and it appearing to the Court that the plaintiff in error has failed to have his cause filed and docketed in conformity with the rules of this Court, It is now here ordered and

adjudged by this Court that the writ of error in this cause to the Superior Court of the City and County of San Francisco, State of California, be, and the same is hereby, docketed and dismissed with costs; And that this cause be, and the same is hereby, remanded to the said Superior Court to be proceeded in according to law and justice.

Per Mr. Chief Justice Fuller.

556. Adolph Otinger, Plff in Error, vs. The People of the State of California. Mr. William A. Maury, of Counsel for the defendants in error, having filed in open Court the following Certificate, to wit:

"I, John J. Grief, County Clerk of the City and County of San Francisco, State of California, and ex officio Clerk of the Superior Court of the State of California, in and for the City and County of San Francisco, do hereby certify that in that certain action in the said Superior Court and entitled, to wit: "The People of the State of California, Plaintiff, against Adolph Otinger, Defendant and Numbered 14,602 in the Criminal Records of said Court, a writ of error was duly sued out on the 9th day of April, 1903, and that said writ of error was allowed and a supersedeas upon the judgment in said writ mentioned was granted by Hon. J. C. B. Hebbard, one of the Judges of said

writ of error commanding the said Superior Court and the said J. C. B. Hebbard, Judge thereof, to have the records and proceedings with all things concerning the same in said action in the Supreme Court of the United States at the City of Washington, in the District of Columbia, on the 5th day of June, 1904.

Witness my hand and the seal of said Superior Court this 5th day of January A.D. one thousand nine hundred and four.

(Seal)

John J. Greif
County Clerk of the City and County of San Francisco and ex officio Clerk of the Superior Court of the State of California in and for the City and County of San Francisco."

Moved the Court to docket and dismiss this cause, pursuant to the 9th rule; and it appearing to the Court that the plaintiff in error has failed to have his cause filed and docketed in conformity with the rules of this Court, It is now here ordered and adjudged by this Court that the writ of error in this cause to the Superior Court of the City and County of San Francisco, State of California, be, and the same is hereby docketed and dismissed with costs: And that this cause be, and the same is hereby, remanded to the said Superior Court to be proceeded in according to law and justice.

Per Mr. Chief Justice Fuller.

The Western Union Telegraph Co., Appellant,
114. vs.
The City of Toledo et al.

The motion to make new parties appellees in this cause, was submitted to the consideration of the Court on printed arguments by Mr. A. D. Estabrook and Mr. J. W. Warrington, in support of the same, and Mr. W. G. Denman, in opposition thereto.

Edward E. Bessette,
vs. Appellant,
142. W. B. Conkey Company.

Ordered by the Court that this cause be, and the same is hereby, passed subject to the provisions of section 7 of Rule 16.

The American Book Co.,
176. vs. Plff in Error,
The State of Kansas ex rel. Arthur Nichols, County Attorney.

The argument of this cause was continued by Mr. G. C. Clements, of counsel for the defendant in error, and concluded by Mr. H. H. Rossington, of counsel for the plaintiff in error.

C. W. Cornell et al.,
118. vs. Plffs in Error,
F. E. Coyne, late Collector &c.

The argument of this cause was commenced by Mr. C. W. Greenfield, of counsel for the plaintiffs in error and continued by Mr. Assistant Attorney General McReynolds, of counsel for the defend

Counsel for the Plaintiffs in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Tuesday, January 19th, 1904.

Pursuant to adjournment the Court met to-day at the Capitol.

Present:

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made, the Court is opened.

On motion first made to the Court in this behalf by Mr. C. W. Dunn it is ordered that Alfred N. Bright, Esquire, of Minneapolis, State of Minnesota, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. M. E. Clapp it is ordered that Howard A. Dunn, Esquire, of Albert Lea, State of Minnesota, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel W. Smith it is ordered that William L. January and George S. Field, Esquires, of Detroit and A. M. Zimmermann, Esquire, of Pontiac, State of Michigan, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. A. Culberson it is ordered that Don A. Bliss, Esquire, of Sherman, State of Texas, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

No. 1101. The Union Fire Insurance Company of Lincoln, Nebraska, vs. Eliza McCullough. In Error to the Supreme Court of the State of Nebraska.

This cause having been called for hearing in its regular order, and it appearing to the Court that the parties have failed to print the transcript of the record, It is, therefore, in pursuance of the tenth rule of this Court, now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Fuller.

118. C. H. Cornell et al., Pltffs in Error, vs. F. E. Coyne, late Collector &c. The argument of this cause was concluded by Mr. William L. Mason, of counsel for the plaintiffs in error.

The Security Land & Exploration Company, Pltff in Error, vs. G. A. Burns et al.,

The Security Land & Exploration Company, Pltff in Error, vs. Henry Hockey et al.,

These cases were argued by Mr. William H. Dillson, of counsel for the plaintiff in error, and Mr. John R. VanDerlip and Mr. R. R. Bigger, of counsel for the defendants in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Wednesday, January 30th, 1901.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Charles S. Thomas it is ordered that George H. Bowen, Esquire, of Conrad, Mont. A. Mo. Quint, Esquire, of Des Moines, State of Iowa, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. K. Offield it is ordered that Earl D. Babst, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

354. The United States, Appellant, vs. John M. Somerville.) On motion of Mr. Frank B. Crosthwaite, of Counsel for the appellee, leave is hereby granted the Clerk to issue the mandate in this cause.)

132. The Peoples Gas Light and Coke Company, Appellant, vs. The City of Chicago.) This cause was argued by Mr. William D. Guthrie, of Counsel for the appellant and Mr. Granville H. Browning, of Counsel for the appellee.)

134. Cosmopolitan Mining Co., Plff in Error, vs. Thomas F. Walsh.) The argument of this cause was commenced by Mr. Carlton M. Bliss, of Counsel for the plaintiff in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Thursday, January 21st, 1904.

Pursuant to adjournment the Court met to-day at the Capitol.

Present.

The Honorable Melville W. Fuller Chief Justice,
John M. Harlan,
David J. Brewer,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. A. J. Weller it is ordered that Mark L. Leister, Esquire, of Tiffin, State of Ohio, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

134. Cosmopolitan Mining Co., Plff in Error, vs. Thomas F. Walsh.

The argument of this cause was continued by Mr. Carlton M. Bliss, of counsel for the plaintiff in error, and Mr. Charles J. Hughes, Jr., and Mr. Charles S. Thomas, of counsel for the defendant in error, and concluded by Mr. Carlton M. Bliss, of counsel for the plaintiff in error.

135. William L. Elkins, Appellant, vs. The City of Chicago et al. / William L. Elkins, Appellant, vs. The City of Chicago et al. — Ordered by the Court that these cases be, and they are hereby, passed.

136.

138. The Minneapolis & St. Louis Railroad Company, Plaintiff in Error, vs. The State of Minnesota ex rel. The Railroad & Warehouse Commission. — This cause was argued by Mr. Howard H. Dunn of counsel for the defendant in error, and submitted on a printed argument by Mr. Albert E. Clarke, of counsel for the plaintiff in error, with leave to counsel for the plaintiff in error to file an additional brief, within three days.

139. David R. Julian Sheriff, et al., Petitioners, vs. The Central Trust Co., et al. — The argument of this cause was commenced by Mr. Lee S. Overman, of counsel for the petitioners.

Proclamation being made the Court is adjourned, until tomorrow at twelve o'clock.

Friday, January 22, 1904.

Pursuant to adjournment the Court met to-day at the Capitol.

Present:

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made, the Court is opened.

139. David R. Julian, Sheriff, et al., Petitioners, v. The Central Trust Co., et al. The argument of this cause was continued by Mr. Lee S. Overman, of Counsel for the petitioners, and Mr. Charles Price and Mr. F. N. Busbee, of Counsel for the respondents, and concluded by Mr. A. C. Avery, of Counsel for the petitioners.

141. Bankers Mutual Casualty Co., Plff in Error, v. The Minneapolis, St. Paul & Sault Ste. Marie Railway Co. The argument of this cause was commenced by Mr. A. H. Quint, of Counsel for the plaintiff in error.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan,
David J. Brewer,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.
John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made, the Court is opened.

On motion first made to the Court in this behalf, by Mr. Solicitor General Hoyt it is ordered that George A. True, Esquire, of Fort Clinton, State of Ohio, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles W. Needham it is ordered that Thomas N. Hoskins, Esquire, of La Salle, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John C. Hart it is ordered that Tigon Johnson, Esquire, of Atlanta, State of Georgia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert A. Howard it is ordered that Reuben A. Miller, Esquire, of Owensboro, State of Kentucky, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

The Chief Justice announced that the Court would take a recess from Monday, February 1st to Tuesday, February 23d next.

152. Robert A. Chesebrough, Plff in Error, vs. The United States. } In Error to the District Court of the United States for the Southern District of New York.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of New York, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Chief Justice Fuller.

177. Jules S. Bache, Appellant, vs. Samuel Hunt, as Receiver, et al. On consideration of the suggestion of diminution of the record and motion for a writ of certiorari herein, and of the arguments of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that a writ of certiorari be, and the same is hereby, granted without prejudice.

Per Mr. Chief Justice Fuller.

535. George W. Beavers, Appellant, vs. William Henkel, U.S. Marshal &c.

543. Maurice Rumble, Appellant, vs. William Henkel, U.S. Marshal &c.

On consideration of the motion to advance these cases, It is now here ordered by the Court that said motion be, and the same is hereby, granted and the cases assigned for argument on Monday, March 7th next, after the cases heretofore assigned for that day.

Per Mr. Chief Justice Fuller.

372. Henry O. Houghton, Trustee, et al., Appellants, vs. Henry C. Payne, Postmaster General.

373. Bates & Guild Company, Appellant, vs. Henry C. Payne, Postmaster General.

On consideration of the motion to advance these cases,

It is now here ordered by the

1151. Ormond L. Smith et al., Appellants, vs. Henry C. Payne, Postmaster General. Motion by counsel for appellants herein to advance this cause, submitted. It is now here ordered by the Court that said motion be, and the same is hereby, granted, and the cause assigned for argument, as one case, on Monday, March 7th next, after the cases heretofore assigned for that day.

(Per Mr. Chief Justice Fuller.)

273. Granville Ripper, Plff in Error, vs. The State of Texas. On consideration of the motion to advance this cause, It is now here ordered by the Court that said motion be, and the same is hereby, granted, and the cause assigned for argument on Monday, March 7th next, after the cases heretofore assigned for that day.

(Per Mr. Chief Justice Fuller.)

384. A. L. Smalley et al., Plff in Error, vs. George F. Eingenour et al. It is ordered by the Court that the further consideration of the motions to dismiss or affirm in this cause be postponed until the hearing of the cause on its merits.

(Per Mr. Chief Justice Fuller.)

524. The Western Union Telegraph Co., Appellant, vs. The City of Toledo et al. It is ordered by the Court that the further consider-

tion of the motion to make new parties appellees in this cause be postponed until the hearing of the cause on its merits.

(Per Mr. Chief Justice Fuller.)

518. The Bank of British Columbia, Petitioner, vs. Percy P. Moore, Administrator of Frances J. P. Moore, deceased. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is, hereby, denied.

(Per Mr. Chief Justice Fuller.)

531. Louisville & Nashville Railroad Company, Petitioner, vs. J. M. Summers, Administrator of Thomas J. Summers and Robert A. Summers, deceased. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel in support of the same, It is

be, and the same is hereby, denied.
(Per Mr. Chief Justice Fuller.)

551. The Board of County Commissioners of the County of Kearny, Kansas, Petitioner, v. Louise M. Irvine.) On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel in support of the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.
(Per Mr. Chief Justice Fuller.)

552. The Board of County Commissioners of the County of Kearny, Kansas, Petitioner, v. William Edward Coffin, Walter Stanton, and Charles Kinnatt Street, Partners as Coffin & Stanton.) On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel in support of the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

145. The United States, Plff in Error, vs. C. C. McCoy et al. This cause was submitted to the consideration of the Court on the record and a printed argument by Mr. Assistant Attorney General Purdy, of Counsel for the plaintiff in error, and leave was granted to Counsel for the defendants in error to file a brief within two weeks.

151. Ribas y Hijo, Appellant, vs. The United States. On motion of Mr. Solicitor General Hoyt, of Counsel for the appellee, It is ordered by the Court that this cause be, and the same is hereby, passed.

161. The United States, Appellant, vs. The Missouri, Kansas & Texas Railway Co., et al. On motion of Mr. Solicitor General Hoyt of Counsel for the appellant, It is ordered by the Court that this cause be, and the same is hereby, continued until the next term.

The State of Georgia, Complainant, vs. The State of Tennessee, The Ducktown Sulphur, Copper & Iron Company Limited, and The Pittsburg & Tennessee Copper Co. The motion for leave to file the bill of complaint in this cause was submitted to the consideration of

John C. Hart and Mr. Legon Johnson, in support of the same.)

382. Henry C. Payne, Postmaster General, Plff in Error and Petitioner, vs. The U.S. ex rel. The Railway List Co. On motion of Mr. C.W. Needham, of Counsel for the Defendant in error and respondent, leave is hereby granted the Clerk to issue the mandate in this cause.)

512. The Owensboro Waterworks Co., Appellant, vs. The City of Owensboro, Ky. The motions to dismiss or affirm, to dissolve the injunction, or to advance the cause were submitted to the consideration of the Court on the record and printed arguments by Mr. Reuben A. Miller, Mr. George W. Jolly and Mr. Charles S. Walker, in support of the same, and Mr. William T. Ellis and Mr. J.D. Atchison, in opposition thereto.

530. J. Edward Addicks, Petitioner, vs. Samuel L. Kent. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. John G. Johnson, in support of the same, and Mr. Silas W. Pettit, in opposition thereto.

141. Bankers Mutual Casualty Co., Plff in Error, vs. The Minneapolis, St. Paul & Sault Ste. Marie Railway Co. The argument of this cause was continued by Mr. A. M. Quint, of Counsel for the Plaintiff in error, and Mr. A. A. Bright, of Counsel for the defendant in error, and concluded by Mr. George W. Bowen, of Counsel for the Plaintiff in error.

143. Northern Pacific Railway Co., Petitioner, vs. Louise H. Adams et al. The argument of this cause was commenced by Mr. C. W. Bunn, of Counsel for the petitioner, and continued by Mr. Reese H. Voorhees, of Counsel for the respondents.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Tuesday, January 4th, 1904.

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan,
David J. Brewer,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.
John M. Wright Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Francis G. Newlands it is ordered that Gavin McNab, Esquire, of San Francisco, State of California, be admitted to practice as an attorney and counselor of this Court and he was sworn accordingly.

1143. Northern Pacific Railway Co., Petitioner
v.
Louise A. Adams et al.

By argument of this cause was continued by Mr. Reese H. Voorhees, of counsel for the respondents, and concluded by Mr. C. W. Bunn, of counsel for the petitioner.

377. The United States, Appellant, vs. The Choctaw Nation and The Chickasaw Nation.

323. The Chickasaw Freedmen, Appellants, vs. The Choctaw Nation and The Chickasaw Nation.

The argument of these cases was commenced by Mr. Charles H. Needham, of Counsel for the Chickasaw Freedmen, and continued by Mr. George A. Mansfield and Mr. A. A. Hoehling, Jr., of Counsel for the Choctaw and Chickasaw Nations, and Mr. Assistant Attorney General Pradt, of Counsel for the United States.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Wednesday, January 27th, 1904.

Pursuant to adjournment the Court met today at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice
John M. Harlan,
David J. Brewer,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices

John N. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Thomas M. Patterson it is ordered that Charles L. Dickerson, Esquire, of Denver, State of Colorado, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry M. Goldfogle it is ordered that Thomas McAdam, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. B. Browne it is ordered that Spencer M.

Marsh, Esquire, of Neillsville, State of Wisconsin, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Helm Bruce it is ordered that Joseph C. Dodd, Esquire, of Louisville, State of Kentucky, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles E. Townsend it is ordered that William A. Wetherbee, Esquire, of Detroit, and Theodore M. Joslin, Esquire, of Adrian, State of Michigan, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. George H. Rea it is ordered that Albert N. Harris, Esquire, of Rochester, State of New York, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

322. The United States, Appellant, vs. The Chickasaw Nation and The Chickasaw Nation.

The argument of these causes was concluded by Mr. As-

Wednesday, January 27th, 1904.

Pursuant to adjournment the Court met today at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice
John M. Harlan,
David J. Brewer,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Thomas M. Patterson it is ordered that Charles L. Dickerson, Esquire, of Denver, State of Colorado, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry M. Goldfogle it is ordered that Thomas McAdam, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. B. Browne it is ordered that Spencer M.

Marsh, Esquire, of Neillsville, State of Wisconsin, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Helm Bruce it is ordered that Joseph L. Dodd, Esquire, of Louisville, State of Kentucky, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles E. Townsend it is ordered that William A. Wetherbee, Esquire, of Detroit, and Theodore M. Joslin, Esquire, of Adrian, State of Michigan, be admitted to practice as attorneys and counsellors of this Court. and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. George H. Rea it is ordered that Albert A. Harris, Esquire, of Rochester, State of New York, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

322. The United States, Appellant, vs. The Chickasaw Nation and The Choctaw Nation. Appeal.

The argument of these cases was concluded by Mr. As-

373. The Choctaw & Chickasaw Freedmen, Appellants, v. The Choctaw Nation and The Chickasaw Nation.

General Pratt, of Counsel for the United States.

504. Albert J. Adams, v. Plff in Error, The People of the State of New York.

This cause was argued by Mr. L. Laflin Kellogg, of Counsel for the plaintiff in error, and Mr. Howard S. Gans, of Counsel for the defendants in error.

146. Third National Bank of Buffalo, N.Y., v. Plff in Error, Buffalo German Insurance Co.

The argument of this cause was commenced by Mr. Adelbert Moot, of Counsel for the plaintiff in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Thursday, January 28th, 1904.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable John M. Harlan,
David J. Brewer,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
} Associate Justices.

John M. Wright Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made, the Court is opened.

On motion first made to the Court in this behalf by Mr. S. Herbert Giesey it is ordered that Charles A. MacHenry, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George S. Chase it is ordered that James S. Davenport, Esquire, of Vinita, Indian Territory, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jefferson Myers it is ordered that John A. Scott, Esquire, of Salem, State of Oregon, be admitted to

for of this Court and he was sworn accordingly.

116. Third National Bank of Buffalo, N.Y., Plff in Error, v. Buffalo German Insurance Co.

The argument of this cause was continued by Mr. Adelbert Moot, of counsel for the plaintiff in error, and Mr. Arthur W. Beckman, of counsel for the defendant in error, and concluded by Mr. Adelbert Moot, of counsel for the plaintiff in error.

117. The United States, Plff in Error, v. The St. Anthony Railroad Co.

This cause was argued by Mr. Assistant Attorney General Pradt, of counsel for the plaintiff in error, and Mr. Carley L. Williams, of counsel for the defendant in error.

118. The Central Stock Yards Co., Appellant, v. The Louisville & Nashville Railroad Co.

The argument of this cause was commenced by Mr. Joseph C. Dodd, of counsel for the appellant.

Proclamation being made, the Court is adjourned until tomorrow at twelve o'clock.

Friday, January 27th, 1911.

Pursuant to adjournment the Court met to-day at the Capitol.

Present:

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Charles W. Fairbanks it is ordered that Robert Franklin Davidson, Esquire, of Indianapolis, State of Indiana, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph D. Wright it is ordered that William Robert Andrews, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

1149. The Central Stock Yards Co., Appellant, vs. The Louisville & Nashville Railroad Co.

The argument of this cause was continued by Mr. Joseph C. Bell, of counsel for the appellant, and Mr. Helm Bruce, of counsel for the appellee, and concluded by Mr. William D. Washburn, of counsel for the appellant.

150. The Underground Railroad of the City of New York et al., Appellants, vs. The City of New York et al.

The argument of this cause was commenced by Mr. Roger Foster, of counsel for the appellants.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made, the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Hoyt it is ordered that Frederick W. Paul, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. L. Hamilton it is ordered that Addison A. Keiser, Esquire, of Ludington, State of Michigan, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Randall Hobbs it is ordered that Nelson

Harding, Esquire, of Chicago, State of Illinois, and P. Lloyd Hollister, Esquire, of New York City, &c, admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. James R. Garfield it is ordered that Bentley W. Warren, Esquire, of Boston, State of Massachusetts, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas N. Hasdins it is ordered that Edgar L. Masters, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. D. Browne it is ordered that James E. Heath, Jr. Esquire, of Norfolk, State of Virginia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

11. The United States, Appellant, vs. The California & Oregon Land Company. Appeals from the Circuit Court of the United States for the District of Oregon.

5. The California & Oregon Land Company, Appellant, vs. The United States.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Oregon, on appeal and cross-appeal, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to enter a decree dismissing the bill and cross-bill.

Per Mr. Justice Holmes.

Dissenting:
Mr. Chief Justice Fuller,
Mr. Justice Harlan, and
Mr. Justice Brown.

18. The Singer Manufacturing Company, Petitioner, vs. Herman Cramer. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

This cause came on to be heard on the

the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals and the judgment of the Circuit Court of the United States for the Northern District of California in this cause be, and the same are hereby, reversed with Costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to grant a new trial and for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice White.

(announced by Mr. Chief Justice Fuller.)

(Mr. Justice McKenna took no part in the decision of this cause.)

The State of South Dakota, Complainant, } In Equity.
& Original
vs.
The State of North Carolina, Charles Sotter and Simon Rothschilds.

This cause came on to be heard upon the pleadings and evidence, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed that the bill of complaint herein as to the defendants Charles Sotter and Simon Rothschilds be, and the same is hereby, dismissed at the costs of the complainant.

And the Court finding that the amount due on
e bonds and coupons in suit to be the sum of
7,400, and that the same are secured by one
undred shares of the stock of The North Carolina
Railroad Company belonging to the State of North
arolina. It is further ordered, adjudged, and
eereed by this Court that the said State of North
arolina pay said amount with costs of suit
the State of South Dakota on or before the first
onday of January, 1905, and that in default
such payment an order of sale be issued
the Marshal of this Court, directing him to
ll at public auction all the interest of the
te of North Carolina in and to one hundred
ares of the capital stock of the North Caro-
a Railroad Company, such sale to be made
the east front door of the Capitol Building
he City of Washington, public notice to be
en of such sale by advertisements once a
ek for six weeks in some daily paper pub-
ed in the City of Raleigh, North Carolina, and
e in some daily paper published in the City
Washington.

And either of the parties to this suit may
ply to the Court upon the foot of this decree,
occasion may require.

Per Mr. Justice Brewer.

epting:

ustice White, Mr. Chief Justice Fuller, Mr. Justice
nna and Mr. Justice Day.

111. Original. The State of Georgia, Complainant, v. The State of Tennessee, The Ducktown Sulphur, Copper & Iron Company, Limited, and The Pittsburg & Tennessee Copper Company, Defendants.

On consid... of the mot... leave to fi... of compla... It is no... ordered by... that said ... be, and th...

is hereby, granted, and that a subpoena able on Monday, April 15th, 1901, be issu served on the defendants herein.

Per Mr. Chief Justice F...

532. Edward Addicks, Petitioner, v. Samuel L. M...

On petition for writ of ... to the United States Ci... of Appeals for the Third ...

On consideration of the petition for a writ of ... tiorari herein to the United States Circuit C... of Appeals for the Third Circuit, and of ... gument of counsel thereupon had, as w... support of and against the same, It is no... here ordered by the Court that said petiti... be, and the same is hereby denied.

Per Mr. Chief Justice Fulle...

512. The Owensboro Water Works Company, Appellant, v. The City of Owensboro, Kentucky.

On considera... of the motion ... dismiss or af... to advance ... cause, or to di...

the injunction herein. It is now thereupon ordered by the Court that the further consideration of the motions to dismiss or affirm be postponed until the hearing of the cause on its merits; that the motion to advance for oral argument be denied, but the case may be submitted on printed briefs on or before Monday, March 7th. next, and that, if the case is not so submitted that the injunction herein be dissolved.

Per Mr. Chief Justice Fuller.

No. Original. The United States, Complainant, vs. The State of Michigan. On motion of Mr. Solicitor General, Hoyt, of Counsel, for the Complainant, leave is hereby granted to file a stipulation of Counsel for the respective parties hereto providing for the taking of testimony, the time for taking the same and for the appointment of a commissioner for that purpose, and, in pursuance of said stipulation, It is now thereupon ordered by the Court that the proofs on behalf of the Complainant shall be taken within ninety days from the date of this order, and that the proofs on behalf of the defendant shall be taken within sixty days after the expiration of said ninety days; and that any rebutting proofs may be taken on the part of Complainant within thirty days from the expiration of the time for taking defendants proofs; provided, that the parties hereto may shorten or extend the time for taking

closing said proofs by stipulation to be signed by the respective solicitors and counsel, action thereunder to be subject to the approval by this Court. It is further ordered, in pursuance of said stipulation, that Peter Doran, Esq., of Grand Rapids, Michigan, be, and he is hereby, appointed Commissioner for the purpose of taking such testimony and reporting the same to the Court.

(Per Mr. Chief Justice Fuller.)

216. Margaret Brewster et al., Plffs in Error, v. John Coahill et al.) The motion to dismiss in this cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Thomas N. Hastings, in support of the same, and by Mr. Fred D. Beers, in opposition thereto.

576. M. A. Momsen, Claimant of the Norwegian Steamship "Davin", Petitioner, v. The National Dredging Co. The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. Charles R. Nicholas, Mr. J. Parker Kirlin, and Mr. Harry Villans, in support of the same, and Mr. J. L. Smith and Mr. N. D. Smith, in opposition thereto.

572. Niels O. Lindstrom, Admr &c, Petitioner, vs. International Navigation Co. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. D. Lloyd Hollister, in support of the same, and Mr. Henry Galbraith Ward, in opposition thereto.

577. Charles Gring, Petitioner, vs. William J. McElwaine et al. The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. James E. Neath Jr, in support of the same, with leave to counsel for the respondents to file a brief in opposition within one week.

484. The District of Columbia, Appellant, vs. Elias E. Barnes. The motion to dismiss in this cause was submitted to the consideration of the Court on the record and printed arguments by Mr. John C. Ray, in support of the same, and Mr. Robert A. Howard and Mr. Assistant Attorney General Pradt, in opposition thereto.

967. Clarence T. Birdett, Plff in Error, vs. The Columbia Bank. On motion of Mr. Frederic D. McKenney, in behalf of counsel for

It is now here ordered by the Court that cause be shown by The Columbia Bank before this Court, at the City of Washington, on Tuesday, February 23, 1904, at 12 o'clock noon of that day, or as soon thereafter as counsel can be heard, why an order should not be made restraining said The Columbia Bank from further enforcement of the judgment entered in this cause by the Supreme Court of the State of New York. It is further ordered that pending the determination of this order to show cause the said The Columbia Bank and the Sheriff of the County of Yates, in the State of New York, are and each is hereby restrained and stayed from any enforcement of the said judgment.

Per Mr. Chief Justice Fuller.

570. Paul E. Berger et al., Petitioners. v. George A. Fuller. The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. William Henry Dennis, Mr. James A. Peirce, and Mr. George P. Fisher, Jr., in support of the same, with leave to counsel for the respondent to file a brief in opposition thereto within two weeks.

The Logansport Railway Company, Appellant, vs. The City of Logansport, in the State of Indiana, et al. } Appeal from the Circuit Court of the United States for the District of Indiana.

No. 164

It appearing to the Court that an authority of Counsel for the appellant to dismiss this appeal has been filed, Therefore, in pursuance of said authority, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Fuller.

Proclamation being made the Court is adjourned until Tuesday the 23d instant at twelve o'clock.

Tuesday, February 23d, 1904.

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices

John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. J. V. Quarles it is ordered that P. W. Spence, Esquire, of Milwaukee, State of Wisconsin, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. C. Keegin it is ordered that Seth E. Hazzard, Esquire, of Tucson, Territory of Arizona, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. E. Littlefield it is ordered that George Weston

Anderson, Esquire, of Boston, State of Massachusetts, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. N.S. Boutell it is ordered that George N. Karcher, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James F. Meagher it is ordered that George Packard, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. W. Griggs it is ordered that Henry Schreiber, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Louis A. Pradt it is ordered that Theodore J. Hewlett, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robb it is ordered that Fred Mason Butler, Esquire, of Rutland, State of Vermont, be admitted to practice as an

as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion, first made to the Court in this behalf by Mr. J. F. Lacey it is ordered that James Hackenham, Esquire, of Eagle City, Alaska, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward Mayes it is ordered that J. S. Sexton, Esquire, of Hazlehurst, and Albert S. Bozeman, Esquire, of Meridian, State of Mississippi, be admitted to practice as attorneys and Counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Roger Foster it is ordered that John W. Hutchinson, Jr. Esquire, of New York City, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

The Delaware Indians residing in the Cherokee Nation, Appellants, vs. The Cherokee Nation. } Appeal from the Court of Claims.

240.

This cause came on to be heard on the transcript of the record from the Court of Claims and was argued,

by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Court of Claims in this cause, be, and the same is hereby, modified so as to decree the registered Delawares to be entitled to participate equally with Cherokee citizens of Cherokee blood in the allotment of lands of the Cherokee Nation, with the proviso that if there is not enough land to give to each citizen of the Nation 160 acres, then the registered Delawares shall be given that quantity, including their improvements. In all other respects the Cherokee citizens whether of Delaware or Cherokee blood should be given equal rights in the lands and funds of the Cherokee Nation. It is further ordered, adjudged, and decreed by this Court that said decree as so modified, be, and the same is hereby, affirmed.

(Per Mr. Justice Day.)

37 Jackson N. Giles, Plff in Error, vs. Charles B. Teasley, William A. Gunter, Jr., and E. Jeff Harris, as The Board of Registrars of Montgomery County, Alabama. } In Error to the Supreme Court of the State of Alabama.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Alabama, and was argued by Counsel. On consideration whereof, It is

and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed, for the want of jurisdiction.

(Per Mr. Justice Day.)

Dissenting: Mr. Justice Harlan.

(Mr. Justice McKenna concurs in the result.)

338. Jackson W. Giles, Plff in Error, v. Charles B. Teasley, William A. Gunter, Jr., and E. Jeff Harris as the Board of Registrars of Montgomery County, Alabama. In Error to the Supreme Court of the State of Alabama.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Alabama, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Justice Day.

Dissenting: Mr. Justice Harlan.

(Mr. Justice McKenna concurs in the result.)

139.

119.

David R. Julian, Sheriff; Mrs. Mary E. James, Administratrix of H. A. James; and Mrs. Fannie E. Howard, Administratrix of John A. A. Howard,
vs. Petitioners,
The Central Trust Company and The Southern Railway Company.

On writ of Certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel. On consideration whereof, It is now ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the Western District of North Carolina.

Per Mr. Justice Day.

Alvin L. Leigh, Plff in Error,
vs.
Henry S. Green.

In Error to the Supreme Court of the State of Nebraska.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Nebraska, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the

same is hereby, affirmed with costs, and interest until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Nebraska.

Per Mr. Justice Day.

504. Albert J. Adams, Plff in Error, vs. The People of the State of New York. In Error to the Supreme Court of the State of New York.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of New York, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Day.

125. Charles L. Wedding and Louis D. Ahlering, Plffs in Error, vs. Romanza Jerome Mayfield. In Error to the Warren Circuit Court of the State of Kentucky.

This cause came on to be heard on the transcript of the record from the Warren Circuit Court of the State of Kentucky, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same

is hereby reversed with costs; and that this cause be, and the same is hereby remanded to the said Circuit Court for further proceedings in conformity with the judgment of this Court.

It is further ordered that this judgment be entered nunc pro tunc as of January 25, 1904.

Per Mr. Justice Holmes.

1469. The Central Stock Yards Company, Appellant, vs. The Louisville & Nashville Railroad Company. } Appeal from the United States Circuit Court of Appeals for the Sixth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby remanded to the Circuit Court of the United States for the Western District of Kentucky.

Per Mr. Justice Holmes.

307. Ah How, alias Louie Ah How, Appellant, v. The United States. Appeal from the District Court of the United States for the Eastern District of New York.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of New York, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Holmes.

Dissenting:
Mr. Justice Brewer and
Mr. Justice Peckham.

308. Chu Do, alias Chu Gee, Appellant, v. The United States. Appeal from the District Court of the United States for the Eastern District of New York.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of New York, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Holmes.

Dissenting:
Mr. Justice Brewer and
Mr. Justice Peckham.

309. Lew Guey, Appellant, vs. The United States. Appeal from the District Court of the United States for the Eastern District of New York.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of New York, and was argued by counsel. On consideration whereof it is now here ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Holmes.

Dissenting;
Mr. Justice Brewer and
Mr. Justice Peckham.

312. Jung Lee, Appellant, vs. The United States. Appeal from the District Court of the United States for the Eastern District of New York.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of New York, and was argued by counsel. On consideration whereof, it is now here ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Holmes.

Dissenting:
Mr. Justice Brewer and
Mr. Justice Peckham.

383. The United States ex relatione. Charles P. Steinmetz, Plff in Error, v. Frederick D. Allen, Commissioner of Patents. In Error to the Court of Appeals of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the District of Columbia, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Appeals in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Court of Appeals with directions to reverse the judgment of the Supreme Court of the District of Columbia and to remand the cause to that Court with directions to grant the writ of mandamus as prayed for.

Per Mr. Justice McKenna.

13, Original. Ex parte In the matter of Herman Frasch, Petitioner. On consideration of the petition for a writ of mandamus herein, the return to the rule to show cause, and of the argument of counsel thereupon had, It is now here ordered by this Court that the rule to show cause be, and the same is hereby, discharged, and that the petition be, and the same is hereby, dismissed.

Per Mr. Justice McKenna.

126. The American Book Company, Plff in Error, vs. The State of Kansas ex rel. Galen Nichols, County Attorney of Shawnee County. In Error to the Supreme Court of the State of Kansas.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Kansas, and was argued by counsel. On consideration whereof, It is now here ordered, and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed with costs.

Per Mr. Justice McKenna.

35. The Minneapolis & St. Louis Railroad Company, Plaintiff in Error, vs. The State of Minnesota ex rel. The Railroad and Warehouse Commission. In Error to the Supreme Court of the State of Minnesota.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Minnesota, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice McKenna.

322. The United States, Appellant
v.
The Choctaw Nation and The Chickasaw Nation.
The Chickasaw Freedmen, Appellants
v.
The Choctaw Nation and The Chickasaw Nation.

Appeals from the Court of Claims.

323.

This cause came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Court of Claims in this cause be, and the same is hereby, affirmed.

Per Mr. Justice McKenna.

116. W. W. Montague & Company (a corporation) et al., Plffs in Error,
v.
Edward S. Lowry and James J. Daly, partners, trading as Lowry & Daly.

In Error to the United States Circuit Court of Appeals for the Ninth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, af-

firmed with costs; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the Northern District of California.

(Per Mr. Justice Peckham.)

447. The United States, Plff in Error, vs. The St. Anthony Railroad Company. In Error to the United States Circuit Court of Appeals for the Ninth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the District of Idaho, Southern Division, with directions to enter judgment in favor of The United States for the amount of the timber as stated in the answer, and for its value at the rate of $1.50 per thousand feet.

(Per Mr. Justice Peckham.)

The Cincinnati Street Railway Company, Plff in Error, vs. Charles B. Snell. } In Error to the Supreme Court of the State of Ohio.

No. 211.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Ohio, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice White.

The Grand Rapids & Indiana Railway Company, Plff in Error, vs. Chase S. Osborn, Commissioner of Railroads of the State of Michigan. } In Error to the Supreme Court of the State of Michigan.

No. 61.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Michigan, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice White.

295. William J. Buttfield, Plff in Error, vs. Nevada N. Stranahan, Collector of the Port of New York. In Error to the Circuit Court of the United States for the Southern District of New York.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby, affirmed, with costs.

Per Mr. Justice White.

(Mr. Justice Brewer and Mr. Justice Brown, not having heard the argument, took no part in the decision of this case.)

296. William J. Buttfield, Plff in Error, vs. George R. Bidwell. In Error to the Circuit Court of the United States for the Southern District of New York.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice White.

(Mr. Justice Brewer and Mr. Justice Brown, not

(Not in the decision of this case.)

William J. Billfield, Claimant of seven Dockages &c.,
(Aff'g in Error,
vs.
The United States.

In Error to the District Court of the United States for the Eastern District of New York.

516.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of New York, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice White,
(Mr. Justice Brewer and Mr. Justice Brown took no part in the decision of this case.)

The American Steel and Wire Company,
vs.
R. A. Speed, Clerk of the County Court of Shelby County.
(Aff'g in Error,

In Error to the Supreme Court of the State of Tennessee.

306.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Tennessee, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the

said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice White,

17. The County of St. Clair, Appellant, v. The Interstate Sand and Car Transfer Company. In Error to the Circuit Court of the United States for the Southern District of Illinois.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Illinois, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice White,

22. Daniel A. Carstairs and John A. Carstairs, Copartners, trading as Carstairs Brothers, Plaintiffs in Error, v. G. Albert Mayer, Treasurer and Collector of Baltimore County. In Error to the Court of Appeals of the State of Maryland.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the State of Maryland, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Appeals in this cause be, and the same is hereby

Affirmed with costs.

Per Mr. Justice Brewer.

1113. Northern Pacific Railway Company, Petitioner, vs. Louise A. Adams and Frank N. Adams. } Writ of Certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals and the judgment of the Circuit Court of the United States for the District of Washington in this cause be, and the same are hereby reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to set aside the verdict and grant a new trial.

Per Mr. Justice Brewer.

Dissenting:
Mr. Justice Harlan and
Mr. Justice McKenna.

C. W. Cornell and F. B. Cornell, copartners, doing business under the name and style of Cornell Brothers, Plff in Error,

vs.

F. E. Coyne, late United States Collector of Internal Revenue, First District of Illinois.

In Error to the Circuit Court of the United States for the Northern District of Illinois

118.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby affirmed with costs.

Per Mr. Justice Brewer.

Dissenting:
Mr. Justice Harlan and
Mr. Chief Justice Fuller.

(Mr. Justice Brown did not hear the argument and took no part in the decision of this case.)

103. Spreckels Sugar Refining Company, Plff in Error, v. Penrose A. McClain, Collector of Internal Revenue for the First District of Pennsylvania. In Error to the United States Circuit Court of Appeals for the Third Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals and the judgment of the Circuit Court of the United States for the Eastern District of Pennsylvania in this cause be, and the same are hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court for such further proceedings as may be necessary for the correction of the errors specified in the opinion of this Court, and as may be in conformity with said opinion.

Per Mr. Justice Harlan.

143. George C. Thomas, Plff in Error, v. The United States. In Error to the Circuit Court of the United States for the Southern District of New York.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York, and was

argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby, affirmed.

Per Mr. Chief Justice Fuller.

55. The Brunswick Terminal, Company et al., vs. The National Bank of Baltimore. Writ of certiorari, to the United States Circuit Court of Appeals for the Fourth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the Circuit Court of the United States for the District of Maryland in this cause be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court.

Per Mr. Chief Justice Fuller.

141. Sanders Mutual Casualty Company, Plff in Error, vs. The Minneapolis, St. Paul & Sault Ste. Marie Railway Co. In Error to the United States Circuit Court of Appeals for the Eighth Circuit.

This cause came on to be heard on the transcript of the record from the United States

Appeals for the Eighth Circuit, and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

Dissenting:
Mr. Justice White.

No. 145. The United States, Petitioners, vs. The Northern Pacific Railroad Company and The Northern Pacific Railway Company. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel. On consideration whereof it is now here ordered, adjudged, and decreed by this Court that the decree of the Circuit Court of the United States for the District of Washington in this cause be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court.

Per Mr. Chief Justice Fuller.

(Mr. Justice McKenna took no part in the decision of this case.)

216. Margaret Brewster et al., Plffs in Error, vs. John Cahill et al. } It is ordered by the Court that the further consideration of the motion to dismiss in this cause be, and the same is hereby, postponed until the hearing of the cause on its merits.

Per Mr. Chief Justice Fuller.

484. The District of Columbia, Appellant, vs. Elias E. Barnes. } It is ordered by the Court that the further consideration of the motion to dismiss in this cause be, and the same is hereby, postponed until the hearing of the cause, on its merits.

Per Mr. Chief Justice Fuller.

570. Paul E. Berger and Paul E. Berger Manufacturing Company, Petitioner, vs. George A. Fuller. } On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby denied.

574. Nils O. Lindstrom, Administrator &c., of Eva Ahlin, deceased, Petitioner, vs. International Navigation Company. On petition for writ of Certiorari to the United States Circuit Court of Appeals for the Second Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby denied.

Per Mr. Chief Justice Fuller.

575. M. A. Monsen, Claimant of the Norwegian Steamship "Banan", Petitioner, vs. The National Dredging Company. On petition for writ of Certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of Counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby denied.

Per Mr. Chief Justice Fuller.

577. Charles Ising, Coowner of the Steam Tug "Curtis," v. Petitioner, William J. McIlvaine, owner of the Barge "McIlvaine" et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

134. Cosmopolitan Mining Co., v. Allyn Cruson, Thomas F. Walsh. It is ordered by the Court that counsel for the respective parties herein be, and they are hereby, granted leave to file printed briefs within twenty days from this date on the question of the jurisdiction of this Court of this writ of error.

Per Mr. Chief Justice Fuller.

153 to 175 inclusive. John M. Sloan et al., v. The United States et al. Appellants, Mr. Solicitor General Hoyt, of counsel, for the appellees, submitted to the consideration of the Court a motion to reassign these cases for argument.

563. Henry C. Pellit, U.S. Marshal &c., Appellant, vs. Thomas Walshe.) Mr. Solicitor General Hoyt submitted to the consideration of the Court a motion to advance this cause.)

582. Fred L. Dorr et al., Plffs in Error, vs. The United States.

583. Segundino Mendezona y Mendezona, Plff in Error, vs. The United States.

No. 1244, as one case.) On motion of Mr. Solicitor General Hoyt, of counsel for the defendant in error, it is ordered by the Court that these causes be and they are hereby advanced and assigned for argument with case, No. 1244.

591. The United States, Petitioner, vs. Sing Puck or King Do et al.) The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. Solicitor General Hoyt and Mr. Assistant Attorney General McReynolds in support of the same.)

267. Clarence D. Birkett, Plff in Error, vs. The Columbia Bank.) The motion to make the rule to show cause herein absolute was submitted to the consideration of the Court on a printed argument by Mr. Robert J. Scherer, in support of the same, and leave was granted counsel for the defendant.

in error to file a brief in opposition thereto,

125. Charles L. Wedding et al., Plffs in Error, vs. Romanza Jerome Meyer. On motion of Mr. C. C. Hadley, of Counsel for the Plaintiffs in Error, suggesting the death of the defendant in error since the argument of this cause, It is ordered by the Court that the judgment in this cause be entered nunc pro tunc as of January 18, 1904.

589. The Tweedie Trading Co., Petitioner, vs. The New York and Boston Dyewood Company. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Everett P. Wheeler in support of the same, and Mr. Wilhelmus Mynderse, in opposition thereto.

Ex parte. In the matter of Arthur P. Seofield, Petitioner. Mr. Homer Tuttle submitted to the consideration of the Court a motion for leave to file a petition for a writ of habeas corpus herein.

90. Cimiotti Unhairing Co., et al., Petitioners vs. American Fur Refining Co., et al. The petition for a writ of certiorari herein was sub-

sideration of the Counton printed arguments by Mr. John W. Griggs and Mr. L. C. Regener, in support of the same, and Mr. Henry Schreiter, in opposition thereto.

230. Robert L. West et al., Plffs in Error, vs. The State of Louisiana. Mr. J. J. Hemphill, in behalf of counsel, submitted to the consideration of the Court a motion to reassign this cause, and it is ordered that the case be passed temporarily.

159. Charles D. Barney, Appellant, vs. The City of New York et al. On motion of Mr. E. M. Shepard, of counsel, for the appellees, It is ordered that this cause be, and the same is hereby, passed, to be heard immediately before case No. 173.

561. The United States ex rel. John Turner, Appellant, vs. William Williams, U.S. Commissioner of Immigration. The motions to advance this cause and to admit the appellant to bail were submitted to the consideration of the Court on printed arguments by Mr. Edgar J. Masters and Mr. Clarence S. Darrow, in support of the same, and Mr. Solicitor General Hoyt in opposition to the motion to admit to bail.

565. Plymouth Cordage Co. et al., vs. J. A. Smith et al., On motion of Mr. E. Brandenburg, of Counsel for the Cordage Co., et al., It is now here ordered by the Court that this cause be, and the same is hereby, advanced pursuant to the 32d rule.

565. Plymouth Cordage Co., et al. vs. J. A. Smith et al. This cause was submitted to the consideration of the Court on the record and a printed argument by Mr. E. C. Brandenburg and Mr. E. K. Kraulhoff, of Counsel for the Cordage Co., et al.

579. G. B. Hunter et al., Petitioners, vs. Dumps Libbeals Robert Tellus et al. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Millon Andros, in support of the same, and Mr. Charles Page and Mr. E. J. McCutcheon, in opposition thereto.

94. Robert Miller, Special Master of the Ojo de Aforros and Lucas Amados, Plffs in Error, vs. The Northern Assurance Company. Mr. J. S. Flannery of Counsel for the defendant in error, having

Court the following certificate, to wit:

"District Court of the United States for Porto Rico.

I, A. A. Scoville, Clerk of the District Court of the United States for Porto Rico, do hereby certify that in a certain cause pending in said Court wherein Robert Miller, Special Master of the Caja de Ahorros and Juan Amadeo were plaintiffs and The Northern Assurance Company was defendant, a final judgment was rendered by said Court on the 16th day of May, A.D. 1902, in favor of the said defendant and against the said plaintiffs, and that on the twelfth day of November, A.D. 1903, said plaintiffs sued out a writ of error to said District Court, directed to remove said cause to the Supreme Court of the United States.

In testimony whereof I hereunto subscribe my name and affix the seal of said District Court, at San Juan, Porto Rico, this ninth day of February, A.D. 1904.

(Seal)

A. A. Scoville, Clerk."

Moved the Court to docket and dismiss this cause pursuant to the 9th Rule; and it appearing to the Court that the plaintiffs in error have failed to have their cause filed and docketed in conformity with the rules of this Court, It is now here ordered and adjudged by this Court that the writ of error in this cause to the District Court of the United States for the District of Porto Rico be, and the same is hereby, docketed and dismissed with costs; and that this cause be, and the same is

hereby, remanded to the said District Court to be proceeded in according to law and justice.

Per Mr. Chief Justice Fuller.

Joseph S. Kaufman, vs. Plff in Error, W. T. Treadway, Trustee &c. — Ordered by the Court that this Cause be, and the same is hereby, continued until the next term, per stipulation.

Samuel Farquhuar and David W. Farquhuar, vs. Plffs in Error, Edward W. Presho, Salem D. Charles and James A. Sullivan, Street Commissioners of the City of Boston. — In Error to the Supreme Judicial Court of the State of Massachusetts.

It appearing to the Court that a stipulation of counsel for the respective parties to dismiss the writ of error in this cause has been filed, and therefore, in pursuance of said stipulation, it is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed with Costs.

Per Mr. Chief Justice Fuller.

The Helena Water Works, vs. Appellant, The City of Helena. — The motions to dismiss or affirm in this cause were sub-

sideration of the Court on the record and printed arguments by Mr. Edwin W. Pogle and Mr. Thomas C. Buch, in support of the same, and Mr. M. S. Gunn, in opposition thereto.

155. David J. Hodges et al., Appellants, v. William C. Colcord et al.

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. J. S. Jenkins, of counsel for the appellants, and Mr John W. Shortel and Mr James R. Keaton, of counsel for the appellees.

150. The Underground Railroad of the City of New York et al., Appellants, v. The City of New York et al.

The argument of this cause was continued by Mr. Roger Foster, of counsel for the appellants, and Mr. Edward M. Shepard, of counsel for the appellees.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Pursuant to adjournment the Court met today at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. John A. Mitchell it is ordered that Hoyes H. Steward, Esquire, of Des Moines, State of Iowa, and John A. Carson, Esquire, of Salem, and Robert J. Slater, Esquire, of Pendleton, State of Oregon, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter Gresham it is ordered that Seaway G. Denman, Esquire, of San Antonio, State of Texas, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion of Mr. Roger Foster it is ordered that John Brooks Leavitt, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

5, Original. The State of Missouri, Complainant, v. The State of Nebraska, On motion of Mr. F. N. Prout, of Counsel for the defendant, it is ordered by the Court that the depositions taken herein be opened and published, and that leave be, and the same is hereby, granted to file a stipulation of Counsel to submit this cause on printed briefs, and the cause was submitted to the consideration of the Court with leave to file printed briefs within forty-five days.

150. The Underground Railroad of the City of New York et al., Appellants, v. The City of New York et al. The argument of this cause was continued by Mr. Edward M. Shepard, of Counsel for the appellees, and concluded by Mr. Roger Foster, of Counsel for the appellants.

152. The Winona Point Shooting Club, Plff in Error, v. Jeppe Caspersen et al. This cause was argued by Mr. S. A. Holding, of counsel, for the plaintiff in

Wednesday, February 5th. 1902. Continued.

A. True, of counsel for the defendants in error.

James C. Fargo, as President of The American Express Co., Appellant,
154. vs.
William A. Hunt, Auditor &c.

The argument of this cause was commenced by Mr. Lewis Cass Ledyard, of Counsel for the appellant.

Proclamation being made the Court is adjourned, until tomorrow at twelve o'clock.

Thursday, February 24th, 1910.

Pursuant to adjournment the Court met to-day at the Capitol.

Present.

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown, Associate
Rufus W. Peckham, Justices.
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

230. Robert L. West et al., Plffs in Error, vs. The State of Louisiana. On consideration of the motion to reassign this cause, It is now here ordered by the Court that said motion be, and the same is hereby, granted, and the cause assigned for argument on Monday, April 4th next, when, if not argued, it will be taken as submitted on the printed record with or without briefs as counsel may be advised.

Per Mr. Chief Justice Fuller.

153 to 175 inclusive. John M. Sloan et al., Appellants, vs. The United States et al. On consideration of the motion to reassign

It is ordered by the Court that said motion be, and the same is hereby, granted and the cause assigned for argument on Monday, March 14th next.

Per Mr. Chief Justice Fuller.

565. Weymouth Cordage Co., et al., vs. J. A. Smith et al.

It is ordered by the Court that the order submitting this cause be, and the same is hereby, set aside and counsel are directed to give due notice of an application to submit the cause.

Per Mr. Chief Justice Fuller.

574. James C. Fargo, as President of The American Express Co., Appellant, vs. William A. Hunt, Auditor &c.

The argument of this cause was continued by Mr. Lewis Cass Ledyard, of Counsel for the appellant, and Mr. Cassius C. Hadley, of Counsel for the appellee, and concluded by Mr. Lewis Cass Ledyard, of Counsel for the appellant.

578. The National Mutual Building & Loan Association of New York, vs. Plff in Error, Frank V. Brahan.

The argument of this cause was commenced by Mr. Albert S. Bozeman, of Counsel for the plaintiff in error.

Proclamation being made the Court is adjourned until

Friday, February 26th, 1904.

Pursuant to adjournment the Court met today at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.
John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made, the Court is opened.

On motion first made to the Court in this behalf by Mr. H. B. Heyburn it is ordered that Myron A. Folsom, Esquire, of Spokane, State of Washington, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. F. Hopkins it is ordered that Joshua R. H. Potts, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

115. The Cedar Rapids Water Co., Plff in Error
vs.
The City of Cedar Rapids et al.

Ordered by the Court that this cause be, and the same is hereby, continued until the next term, per stipulation of Counsel.

158. The National Mutual Building & Loan Association of New York, Plff in Error,
vs.
Frank V. Graham.

The argument of this cause was continued by Mr. Albert S. Bozeman, of Counsel for the plaintiff in error, and Mr. Edward Mayes, of Counsel for the defendant in error, and concluded by Mr. J. S. Sexton, of Counsel for the plaintiff in error.

160. Charles A. Pinkert, Plff in Error,
vs.
Frederick L. Colwell.

This cause was argued by Mr. Nelson Smith, of Counsel for the plaintiff in error, and Mr. Thomas McAdam, of Counsel for the defendant in error.

Proclamation being made the Court is adjourned, until Monday next at twelve o'clock.

Monday, February 19th, 1900.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Hoyt it is ordered that Robert W. Bonynge, Esquire, of Denver, State of Colorado, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. M. D. Purdy it is ordered that John G. Byers, Esquire, of Minneapolis, State of Minnesota, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. J. Hemphill it is ordered that Julius A. Heyward, Esquire, of Greenville, State of South Carolina,

be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. S. Chapman it is ordered that William B. Mathews, Esquire, of Los Angeles, State of California, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William A. Anderson it is ordered that D. Tucker Brooke, Esquire, of Norfolk, and R. C. Marshall, Esquire, of Portsmouth, State of Virginia, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. H. Lacey it is ordered that James R. Conner, Esquire, of Denison, State of Iowa, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. R. A. McNeill it is ordered that W. C. Mathews, Esquire, of Statesville, State of North Carolina, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. P. P. Linn it is ordered that Gilbert Holland, Stewart, Henry Gumble, and P. J. Keating, Esquires, of Columbus, State of Ohio, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. R. F. Downing it is ordered that Thomas Watts, Esquire, of Middletown, State of New York, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. R. E. Dunn it is ordered that John Clifford Martin, Esquire, of Wilmington, State of Ohio, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

No. 17. The Security Land and Exploration Company, Plff in Error, vs. G. A. Burns and Mary L. Burns. In Error to the Supreme Court of the State of Minnesota.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Minnesota, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs. Mr. Justice Gray

128. The Security Land and Exploration Company, Appellant, vs. Henry Weeks et al. In Error to the Supreme Court of the State of Minnesota.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Minnesota, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

(Per Mr. Justice Peckham.)

(Order.)

The Reporter having represented that, owing to the number of decisions at the present term, it would be impracticable to put the reports in one volume, It is, therefore, now here ordered that he publish an additional volume in this year, pursuant to Section 681 of the Revised Statutes.

(Per Mr. Chief Justice Fuller.)

Ex parte In the matter of Arthur P. Scofield, Petitioner. On consideration of the motion for leave to file a petition for a writ of habeas corpus herein, It is now here ordered by the Court

761. The Helena Water Works Co., Appellant, vs. The City of Helena.

It is ordered by the Court that the further consideration of the motions to dismiss or affirm herein be and the same is, hereby, postponed until the hearing of the cause on its merits.

(Per Mr. Chief Justice Fuller.)

562. Henry C. Pettit, U.S. Marshal, Appellant, vs. Thomas Walshe.

On consideration of the motion to advance this cause, It is now here ordered by the Court that said motion be, and the same is hereby, granted, and the cause assigned for argument on Monday, April 4th next after the case heretofore assigned for that day.

(Per Mr. Chief Justice Fuller.)

579. G. B. Hunter et al., Petitioners, vs. Dampskibsselskabet Dellus (a corporation), translated The Dellus Steamship Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here

ordered by the Court that said petition be, and the same is hereby, denied.

(per Mr. Chief Justice Fuller.)

587. The Dayeodie Trading Company, Petitioner, vs. The New York & Boston Dyewood Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

(per Mr. Chief Justice Fuller.)

590. Cimiotti Unhairing Company et al., Petitioners, vs. American Fur Refining Company et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now

and the same is hereby, granted.

(Per Mr. Chief Justice Fuller.)

591. The United States, Petitioner, vs. Sing Tuck or King Do and 3 Others. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel in support of the same, It is now here ordered by the Court that said petition be, and the same is hereby, granted.

(Per Mr. Chief Justice Fuller.)

561. The United States ex rel. John Turner, Appellant, v. William Williams, U.S. Commissioner of Immigration. On consideration of the motion to advance this cause and to admit the appellant to bail pending the appeal, It is now here ordered by the Court that this cause be, and the same is hereby, advanced and assigned for argument on Monday, April 4th next, after the cases heretofore assigned for that day. It is further ordered that the appellant be released, pending the appeal, on giving bond, with good and sufficient sureties, in the penal sum of $2,000, and conditioned according to law before the Circuit Court of the United States for the Southern

District of New York, or one of the Judges thereof.
(per Mr. Chief Justice Fuller.)

602. The Empire State-Idaho Mining & Developing Co., Petitioner, v. Kennedy & Hanley. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. H. B. Heyburn, Mr. George Turner, and Mr. P. P. Cost, in support of the same, and Mr. John R. McBride and Mr. M. A. Folsom, in opposition thereto.

573. Julius King Optical Co., Petitioner, v. Frederick F. Bilhoefer et al. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. A. Albertus West, in support of the same, and Mr. W. C. Strawbridge, in opposition thereto.

587. Rudolph A. Lange, Petitioner, v. The Union Pacific Railway Company. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. E. P. Wells, in support of the same, and Mr. Willard Teller, Mr. C. C. Dorsey, and Mr. W. A. Kelly, in opposition thereto.

592. The City National Bank of Greenville, South Carolina, Petitioner, vs. The Richmond Guano Co. The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. A. J. Haynsworth, in support of the same, and leave was granted counsel for the respondent to file a brief in opposition within one week.

764. Thomas A. Kelley et al., Petitioners, vs. Cunard Steamship Company, Limited. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. A. B. Browne and Mr. H. R. Sears, in support of the same, and Mr. George Putnam, in opposition thereto.

1535. International Trust Co., Plaintiff in Error, vs. John W. Weeks, Agent &c. The motion to dismiss in this cause was submitted to the consideration of the Court on the record and printed arguments by Mr. G. Philip Wardner, Mr. Eugene P. Carver, and Mr. E. E. Blodgett, in support of the same, and Mr. R. M. Morse and Mr. William M. Richardson, in opposition thereto.

William A. Jones et al.,
189. vs. Plffs in Error,
Andrew J. Montague, Governor &c. et al.

William S. Selden et al,
190. vs. Appellants,
Andrew J. Montague, Governor &c. et al.

The motions to dismiss in these cases were submitted to the consideration of the Court on the records and printed arguments by Mr. W. A. Anderson and Mr. Frank W. Christian, in support of the same, and Mr. John S. Wise, in opposition thereto. Whereupon, it is ordered by the Court that said motions be postponed until the hearing of the cases on the merits.

Oscar Hampton Stevens,
586. vs. Petitioner,
Richmond Smith et al,

The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. A. C. McDougal, in support of the same.

The Atlantic Transport Co.,
Claimant &c., Petitioner,
601. vs.
Francis E. Dodge et al,

The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed argument by Mr. J. Parker Kirlin, in support of the same, and Mr. Wilhelmus Mynderse, in opposition thereto.

Ex parte. In the matter of The Christensen Engineering Company, Petitioner. The motion for leave to file a petition for a writ of mandamus herein was submitted to the consideration of the Court by Mr. Oscar H. Jeffrey, in behalf of counsel for the petitioner.

365. Jesse Kerr, Petitioner, vs. The Modern Woodmen of America. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Grace N. Flickinger, in support of the same, and Mr. C. G. Saunders, in opposition thereto.

167. Ina M. Slater et al., Petitioners, vs. Mexican National Railroad Company. This cause was argued by Mr. LeRoy G. Denman, of counsel for the respondent, and submitted on a printed argument by Mr. Mason Williams, of counsel for the petitioners.

512. The Owensboro Water Works Co., Appellant, vs. The City of Owensboro, Kentucky. This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. William J.

Ellis and Mr. J. D. Hellison, of Counsel for the appellant, and Mr. George W. Jolley, Mr. R. A. Miller, Mr. Charles E. Waller and Mr. Robert S. Todd, of Counsel for the appellee.)

163. Charles Gagnon, Appellant, vs. The United States. Reargument of this Cause was commenced by Mr. William E. Harvey, of Counsel for the appellant, continued by Mr. Assistant Attorney General Thompson, of Counsel for the appellee, and concluded by Mr. George A. King, of Counsel for the appellant.

165. The Great Southern Fire-Proof Hotel Company, Petitioner, vs. Benjamin F. Jones et al. Reargument of this Cause was commenced by Mr. Gilbert Holland Stewart, of Counsel for the petitioner, and continued by Mr. Talfourd P. Linn, of Counsel for the respondents.

Proclamation being made, the Court is adjourned until tomorrow at twelve o'clock.

Tuesday, March 1st, 1904.

Pursuant to adjournment the Court met today at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan,
David J. Brewer,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.
John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Joseph W. Bailey it is ordered that F. M. Newman, Esquire, of Brady, State of Texas, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

State of Louisiana,
11, Original. vs. Complainant,
State of Mississippi,

On motion of Mr. Alexander Porter Morse, of counsel for the Complainant, leave is hereby granted to file a stipulation of counsel for the appointment of Commissioners to take and report the testimony to be given in this case and fixing the time for taking said testimony, and a further stipulation of counsel as to the authentication of such maps as may be

536.

introduced in evidence.)

And, in pursuance of said first mentioned stipulation, It is further ordered that A. N. Longino, Esq, of the State of Mississippi, and Frank N. Mortimer, Esq, of the State of Louisiana, be, and they are hereby, appointed Commissioners for the purpose of taking the testimony herein and reporting the same to the Court, with authority and power to take and report such testimony separately and independently. The testimony on behalf of the complainant to be taken during the months of March and April, 1901, and on behalf of the defendant during the months of May, June, and July, 1901, and the complainant shall have from August 1st to September 15th, 1901, to offer testimony in rebuttal, and the defendant to have the right to take additional evidence on any new matter brought out by the complainant in rebuttal up to the first day of October next.

(Per Mr. Chief Justice Fuller.)

J. C. Shattuck,
vs. Appellant,
Martin Costillo.

Appeal from the Supreme Court of the Territory of Arizona.)

It appearing to the Court that an authority of counsel for the appellant to dismiss this appeal has been filed, Therefore, in pursuance of said authority, It is now here ordered

and it is ordered by this Court that this appeal be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Fuller.

165. The Great Southern Fire-Proof Hotel Company v. Benjamin F. Jones et al.

The argument of this cause was continued by Mr. Talfourd P. Linn, Mr. George K. Nash, and Mr. T. J. Keating, of counsel for the respondents, and concluded by Mr. Henry Gumble, of counsel, for the petitioner.

166. The Mutual Life Insurance Co. of New York v. Eliza Maud Hill et al.

The argument of this cause was commenced by Mr. Julien T. Davies, of counsel for the petitioner, and continued by Mr. Stanton Warburton, of counsel for the respondents.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John N. Wright Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Julien T. Davies it is ordered that Abram H. Larkin, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. F. B. Crosthwaite it is ordered that D. J. Leahy, Esquire, of Tishomingo, Territory of Oklahoma, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. M. E. Kinkaid it is ordered that [illegible]

Esquire, of N. York, and Wilbur S. Bourne, Esquire, of Beatrice, State of Nebraska, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf, by Mr. W. W. Dodge it is ordered that Guy Cunningham, Esquire, of Gloucester, State of Massachusetts, be admitted to practice as attorney and counsellor of this Court and he was sworn accordingly.

166. The Mutual Life Insurance Co. of New York, vs. Petitioner, Eliza Maud Hill et al.

The argument of this cause was continued by Mr. Stanton Warburton and Mr. George Turner, of counsel for the respondents, and concluded by Mr. Julien T. Davies, of counsel for the petitioner.

167. William A. Platt, Receiver &c, vs. Iliff in Error, (See No. Wilmot.)

This cause was argued by Mr. Omar Powell, of counsel for the plaintiff in error. No counsel appeared for the defendant in error.

168. Charles L. Rawson et al., vs. Petitioners, Western Sand Blast Co., et al.

The argument of this cause was commenced by Mr. Otto R. Barnett, of counsel for the petitioners.

(Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.)

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.
John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. A. B. Kittredge it is ordered that Stephen N. Keenan, Esquire, of Clark, State of South Dakota, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John F. Lacey it is ordered that Comfort H. Van Law, Esquire, of Marshalltown, State of Iowa, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by

Mr. F. S. Richards it is ordered that Edward B. Critchlow, Esquire, of Salt Lake City, State of Utah, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

168. Charles L. Rawson et al., Petitioners. vs. Western Land Blast Co., et al.

Reargument of this cause was continued by Mr. Otto R. Barnett of counsel for the petitioners, and Mr. John W. Munday, of counsel for the respondents, and concluded by Mr. James A. Raymond, of counsel for the petitioners.

169. D. N. Adams, Plff in Error, vs. J. M. Church, Adm'r &c.

This cause was argued by Mr. R. J. Slater, of counsel for the plaintiff in error, and Mr. Alonzo A. Stewart, of counsel for the defendant in error.

170. The United States et al., Appellants. vs. Juan B. Martinez, Admr.

Ordered by the Court that this cause be, and the same is hereby, continued until the next term, per stipulation of counsel.

171. Lafayette B. Eiton, Appt, vs. Harrison N. Brown et al. Plff in Error,

This cause was submitted to the consideration of the Court on the record and

printed arguments by Mr. J. Alfred Johnson, and Mr. Joseph A. Blankart, of counsel for the appellant and plaintiff in error, and Mr. Thomas Watts, of counsel for the appellees and defendants in error.

172. The United States, Appellant,
vs.
The Commonwealth Title Insurance & Trust Co., Trustee.

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Assistant Attorney General Pradt and Mr. George Hines Gorman, of counsel for the appellant, and Mr. William A. Andrews, of counsel for the appellee.

159. Charles F. Barney, Appellant,
vs.
The City of New York et al.

172. Arabella D. Huntington, Appellant,
vs.
The City of New York et al.

The argument of these cases was commenced by Mr. Maxwell Evarts, of counsel, for the appellant.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Friday, March 4th, 1904.

Pursuant to adjournment the Court met today at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Edward M. Shepard it is ordered that Platt A. Brown, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles L. Frailey it is ordered that William F. Corby, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Delbert B. Gray,
vs. Petitioner,
The Union Casualty and Surety Company.

174. On petition for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

This cause having been called for hearing in its regular order, and it appearing to the Court that the petitioner has failed to prosecute his petition for a writ of certiorari herein, Therefore, It is now here ordered and adjudged by this Court that the petition for a writ of certiorari in this cause be, and the same is hereby dismissed.

Per Mr. Chief Justice Fuller.

Charles T. Barney,
vs. Appellant,
The City of New York et al.

159.

Arabella D. Huntington,
vs. Appellant,
The City of New York et al.

175.

The argument of these cases was continued by Mr. Maxwell Evarts, of counsel for the appellants, and Mr. Edward M. Shepard and Mr. Pratt A. Brown, of counsel for the appellees, and concluded by Mr. Arthur N. Masten, of counsel for the appellants.

John D. Boering et al.,
vs. Affs in Error,
Chesapeake Beach Railway Co.

174.

The argument of this cause was commenced by Mr. Charles T. Canisi, of counsel, for the plaintiffs in error, continued by Mr. Frederic D. McKenney, of counsel for the

Friday, March 8th, 1901, Continued;

error, and concluded by Mr. Charles N. Merillat, of counsel for the plaintiffs in error.)

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday, March 7th, 1904.

Pursuant to adjournment the Court met to-day at the Capitol.

Present.

The Honorable Melville W. Fuller, Chief Justice,
David J. Brewer,
Henry B. Brown,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. B. D. Morgan it is ordered that Max D. Steuer, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. B. Perkins it is ordered that Hallen E. Mudge and Charles L. Stone, Esquires, of Syracuse, State of New York, be admitted to practice as attorneys and counsellors of the Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. V. B. Edwards it is ordered that Peter S. Carter, Esquire, of New York City, be admitted

as an attorney and Counsellor of this Court
he was sworn accordingly.

On motion first made to the Court in this behalf
by Mr. George F. Brownell it is ordered that
Clarence J. Shearn, Esquire, of New York City
admitted to practice as an attorney and Coun-
sellor of this Court and he was sworn according

On motion first made to the Court in this behalf by
Mr. C. W. Dunn it is ordered that William D. Mitch
Esquire, of St. Paul, State of Minnesota, be admit-
ted to practice as an attorney and counsellor
of this Court and he was sworn accordingly

On motion first made to the Court in this behalf by
Mr. George Clark it is ordered that Oscar L. Stubbs
Esquire, of Waco, State of Texas, be admitted to prac-
tice as an attorney and Counsellor of this Court
he was sworn accordingly.

On motion first made to the Court in this behalf by
Mr. A. E. Gillsbury it is ordered that Charles A.
Russell, Esquire, of Gloucester, State of Massachu-
setts, be admitted to practice as an attorney and
Counsellor of this Court and he was sworn accord-
ingly.

David J. Hodges, Ella M. Pardee, Gertrude M. Hodges, and Willis S. Hodges, heirs-at-law of James L. Hodges, Appellants,
155. vs.
William G. Coleord, Henry B. Coleord, Charles F. Coleord, & Mary L. Griffith.

Appeal from the Supreme Court of the Territory of Oklahoma.

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory of Oklahoma, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Brewer.

The Winona Point Shooting Club, Plff in Error,
152. vs.
Jeppe Aspensen, Peter Peterson, William Decker & Charles Petersen.

In Error to the Supreme Court of the State of Ohio.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Ohio, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief

1485. International Trust Company, Plff in Error, v. John H. Woods, Agent of the Shareholders of the Broadway National Bank.

In Error t United Sta Cuit Cour Peals for th Circuit.

This cause came on to be heard on the tra of the record from the United States Circu of Appeals for the First Circuit and on a to dismiss which was argued by counse consideration whereof, It is now here o and adjudged by this Court that the writ in this cause be, and the same is hereby, d for the want of jurisdiction.

Per Mr. Chief Justice.

512. The Owensboro Water Works Company of Owensboro, Kentucky, v. Appellant, The City of Owensboro, Kentucky.

Appeal from Cuit Court United Sta Western Di Kentucky

This cause came on to be heard on the transc of the record from the Circuit Court of the U States for the Western District of Kentucky, was argued by counsel. On consideration of, It is now here ordered, adjudged, and by this Court that the decree of the said Cir Court in this cause be, and the same is he affirmed with costs.

Per Mr. Chief Justice Fu

Ex parte In the matter of The Christensen Engineering Company, Petitioner. On consideration of the motion for leave to file a petition for a writ of mandamus herein, It is now here ordered by the Court that said motion be, and the same is hereby, granted.

15, Original. (Per Mr. Chief Justice Fuller.)

Ex parte In the matter of The Christensen Engineering Company, Petitioner. On consideration of the petition of The Christensen Engineering Company, It is now here ordered by the Court that cause be shown by the United States Circuit Court of Appeals for the Second Circuit before this Court at the City of Washington, on Monday, March 21st instant, at 10 o'clock noon of that day, or as soon thereafter as counsel can be heard, why a writ of mandamus should not be granted as prayed in said petition.

15, Original. (Per Mr. Chief Justice Fuller.)

267. Clarence T. Birdseye, Plff in Error, v. The Columbia Bank. On consideration of the motion to make the rule to show cause issued herein absolute, and of the argument of counsel thereupon had, It is now here ordered by the Court that the plaintiff in error be, and he is hereby, required to file a bond in the sum of $2,000, with sureties to be approved by the Marshal of

Court, within ten days, whereupon the rule to show cause will be made absolute.

Per Mr. Chief Justice Fuller.

365. Jessie Kerr, Petitioner, vs. The Modern Woodmen of America. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

564. Thomas A. Kelley et al., Petitioners, vs. Cunard Steamship Company, Limited. On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

573. Julius King Optical Company, Petitioner, v. Frederick F. Bilhoefer et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

586. Oscar Hampton Stevens, Petitioner, v. Richmond Smith et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel in support of the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

587. (Rudolph A. Lange, Petitioner, vs. The Union Pacific Railway Company.) On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

592. (The City National Bank of Greenville, South Carolina, Petitioner, vs. Richmond Guano Company.) On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

601. The Atlantic Transport Company, Claimant of the British Steamship "Manitou," Petitioner, vs. Francis E. Dodge et al. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

602. Empire State-Idaho Mining and Developing Company, Petitioner, vs. Kennedy J. Stanley. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

591. The United States, Petitioner, vs. Ling Tuck or Ling Do et al. } Mr. Solicitor General Hoyt, of Counsel for the Petitioner, submitted to the consideration of the Court a motion to advance this cause.

179. Ward Roper (via Robert Coulter, Aff'in Error) vs. A. C. Scurlock, W. D. McKay, T. B. Watkins, Henry Trion et al. } In Error to the Court of Civil Appeals for the 5th Supreme Judicial District of the State of Texas.

This cause having been called to the attention of the Court by Mr. George Clark, of Counsel for the Plaintiffs in error, and he having moved the Court to dismiss the writ of error in this cause, Therefore, in pursuance of said motion, It is now here ordered and adjudged by this Court, that the writ of error in this cause be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Fuller.

617. The Atlantic Lumber Co. et al., Petitioners, vs. The L. Bucki & Son Lumber Co. et al. } The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. R. H. Liggett, in support of the same, and Mr. James E. Padgett,

M. H. Bisbee, and Mr. George C. Bedell, in opposition thereto.

The Western Union Telegraph Co., Petitioner, vs. The Pennsylvania Railroad Co. et al. The petition for a writ of certiorari herein was submitted to the Considera-

ion of the Court by Mr. A. D. Elabrook in sup-ort of the same, and leave was granted, ounsel for the respondents to file a brief in, pposition within one week.

The State of Kansas, al. vs. Complainant, e State of Colorado et al.

On motion of Mr. George A. King, in behalf of counsel for the complainant,

ave is hereby granted to file replications to several answers of the defendants herein.

Edward E. Bessette, vs. B. Conley Company.

Mr. W. D. Bynum, in behalf of counsel, sub-mitted to the Considera-tion of the Court a mo-to fix a day for the argument of this cause.

erican Press Association, vs. Story Publishing Company. Appellant, Appeal from the United States Circuit Court of Appeals for the Seventh Circuit

ppearing to the Court that

counsel for the appellant to dismiss this appeal has been filed. Therefore, in pursuance of said authority, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed.

Per Mr. Chief Justice Fuller.

543. Maurice Runkle, Appellant, vs. William Henkel, United States Marshal, Southern District of New York. Appeal from the Circuit Court of the United States for the Southern District of New York.

This cause having been called for hearing in its regular order, and it appearing to the Court that the parties have failed to print the transcript of the record, It is, therefore, in pursuance of the tenth rule of this Court, now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Fuller.

367. The Western Union Telegraph Co., Appellant, vs. The Pennsylvania Railroad Co., et al. Mr. John G. Johnson, of counsel for the appellees, submitted to the Court a motion to advance this cause.

175. Pacific Electric Railway Co., Appellant, vs. The City of Los Angeles et al.) This cause was argued by Mr. J. S. Chapman, of counsel for the appellant, and Mr. W. B. Mathews, of counsel for the appellees.

409. The Interstate Commerce Commission, Appellant, vs. David G. Baird et al.) The argument of this cause was commenced by Mr. William A. Day, of counsel for the appellant.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock M.

Tuesday, March 8th, 1904.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. B. F. Morgan it is ordered that Nathaniel Levy, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Tracy L. Jeffords it is ordered that Charles F. Moody and E. F. B. Tetty, Esquires, of New York City, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Clark it is ordered that Mr. Edwards

Esquire, of Cleburne, State of Texas, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in his behalf by Mr. Joseph D. Wright it is ordered that John A. Saul, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Edward E. Bessette,
vs.
149. W. B. Conley Company.

On consideration of the motion to fix a day for the argument of this cause, it is now here ordered by the Court that this cause be placed at the foot of the call for Monday, the 11th instant.

Per Mr. Chief Justice Fuller.

The United States,
vs. Petitioner,
591. Sing Thex or King Do and thirty-one others.

On consideration of the motion to advance this cause, it is now here ordered by the Court that said motion be, and the same is hereby, granted, and the cause assigned for argument on Monday April 4th next, after the cases heretofore assigned for that day.

Per Mr. Chief Justice Fuller.

Tuesday, March 8th, 1910 P.M. Continued.

No. 502. The Interstate Commerce Commission, Appellant, vs. David G. Baird et al. Hoyt.

The argument of this cause was continued by Mr. John G. Johnson, Mr. Walter W. Ross and Mr. Adelbert Moot, of Counsel for the Appellees, and concluded by Mr. John G. Carlisle, of Counsel for the appellant.

No. 503. William A. Pope, Plff in Error, vs. John M. C. Williams et al.

The argument of this cause was commenced by Mr. William A. Pope, in Propria Persona.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Wednesday, March 9th, 1904.

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.
John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. F. H. Cushman it is ordered that H. E. Humphrey, Esquire, of Seattle, State of Washington, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. H. N. Glassie it is ordered that Edward E. Peck, Esquire, of New York City, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. B. Lamar it is ordered that Benjamin S. Liddon, Esquire, of Marianna, State of Florida, be admitted to practice as an attorney and counsellor of this Court and he was sworn

179. Ward Roper et al., Plffs in Error, vs. A. C. Sherlock et al. On motion of Mr. C. K. Bell, of counsel, for the defendants in error, leave is hereby granted the Clerk to issue the mandate in this cause.

186. Metropolitan Railroad Co., Appt, vs. Henry B. F. Macfarland, et al., Commissioners D. C. On motion of Mr. A. B. Duvall, of counsel for the appellees and defendants in error, It is ordered by the Court that this cause be, and the same is hereby, passed, subject to provisions of section 6 of Rule 16.

503. William A. Pope, Plff in Error, vs. John M. C. Williams et al. The argument of this cause was continued by Mr. William A. Pope in propria persona, and Mr. John Prentiss Poe, of counsel for the defendants in error, and concluded by Mr. William A. Pope, in propria persona.

Wednesday, March 9th, 1904, Continued.

535. George W. Beavers, Appellant,
vs.
William Henkel, U.S. Marshal &c.

The argument of this cause was commenced by Mr. Max D. Steuer, of counsel for the appellant, and continued by Mr. Assistant Attorney General Purdy, of counsel for the appellee.)

Proclamation being made, the Court is adjourned until tomorrow at twelve o'clock.

Thursday, March 10, 1904.

Pursuant to adjournment the Court met today at the Capitol.

Present:

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.
John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. C. K. Grosvenor it is ordered that Karl G. Webber, Edward L. Taylor, Jr., and D. C. Badger, Esquires, of Columbus, State of Ohio, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. B. Heyburn it is ordered that James E. Milshie, Esquire, of Boise City, State of Idaho, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by

Mr. R. L. Hyke it is ordered that Ora E. Butterfield, Esquire, of Detroit, State of Michigan, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

535. George W. Bowers, Appellant, vs. William Henkel, U.S. Marshal &c. The argument of this cause was continued by Mr. Assistant Attorney General Purdy, of Counsel for the appellee, and concluded by Mr. Max D. Steuer, of Counsel for the appellant.

379. Henry C. Houghton, Trustee, et al, Appellants, vs. Henry C. Payne, Postmaster General, } The argument of these cases was commenced by Mr. William S. Hall, of Counsel for the appellants, continued by Mr. John G. Johnson, of Counsel for the appellee, and concluded by Mr. Holmes Conrad, of Counsel for the appellants.

373. Bates & Guild Company, Appellant, vs. Henry C. Payne, Postmaster General,

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Monday, March 7th, 1904.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
} Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made, the Court is opened.

On motion first made to the Court in this behalf by Mr. N. H. Glassie it is ordered that Sumner H. Doulton, Esquire, of New York City, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry M. Teller it is ordered that Frank E. Gregg, Esquire, of Denver, State of Colorado, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by

Mr. George Clark it is ordered that Robert L. Kinkead, Esquire, of Louisville, State of Kentucky, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Philip Walker it is ordered that William M. Ellison, Esquire, of Westford, State of Virginia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. M. P. Kinkaid it is ordered that John D. Pope, Esquire, of Friend, State of Nebraska, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

1881. Ormond G. Smith et al., Appellants, v. Henry C. Payne, Postmaster General. The argument of this cause was commenced by Mr. Tracy L. Jeffords, of counsel for the appellants, continued by Mr. A. N. Blassie, of counsel for the appellee, and concluded by Mr. Charles F. Moody, of counsel for the appellant.

Monday, March 11th, 1901, Continued.

973. Granville Rippey, Plff in Error,
vs.
The State of Texas.

This cause was argued by Mr. George Clark, of counsel for the plaintiff in error, and Mr. C. K. Bell, of counsel for the defendant in error.

177. Jules S. Bache, Appellant,
vs.
Samuel Hunt, Receiver, et al.

The argument of this cause was commenced by Mr. F. Spiegelberg, of counsel for the appellant.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices

John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Hoyt it is ordered that Edward M. Hyzer, Esquire, of Milwaukee, State of Wisconsin, and Lorrin Andrews, Esquire, of Honolulu, Territory of Hawaii, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Platt Rogers it is ordered that John M. Waldron, Esquire, of Denver, State of Colorado, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. C. Cole it is ordered that Elisha K. Camp, Esquire, of New York City, and R. Golden Donaldson, Esquire, of Washington, District of Columbia, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. R. M. Morse it is ordered that William A. Dunbar, Esquire, of Cambridge, State of Massachusetts, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. A. Joline it is ordered that Frederick M. Brown, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

171. La Fayette B. Eaton, Appt. & Plff in Error, v. Harrison K. Brown and Wm. Dennee, Appellees.) Appeal from & In Error to the Court of Appeals of the District of Columbia.)

This cause came on to be heard on the transcript of the record from the Court of Appeals of the District of Columbia, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree

of the said Court of Appeals in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Court of Appeals with directions to reverse the order of the Supreme Court of the District of Columbia and to remand the cause to that Court for further proceedings.

Per Mr. Justice Holmes.

277. The Northern Securities Company, The Great Northern Railway Company, The Northern Pacific Railway Company et al., Appellants, vs. The United States. Appeal from the Circuit Court of the United States for the District of Minnesota.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Minnesota, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, affirmed with liberty to the Circuit Court to proceed in the execution of its decree as the circumstances may require.

Per Mr. Justice Harlan.

Dissenting:
Mr. Justice Holmes,
Mr. Justice White
Mr. Chief Justice Fuller and

The Chief Justice announced that the Court would take a recess from Monday, the 31st instant to Monday, April 14th. next.

617. The Atlantic Lumber Company et al, Petitioners, vs. L. Bueckle & Son Lumber Company et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of Counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

Original. The State of Kansas, Complainant, vs. The State of Colorado et al. Mr. Solicitor General Hoyt submitted to the consideration of the Court a motion for leave to the United States to intervene herein.

Ex parte. In the matter of The United States, Petitioners. Mr. Solicitor General Hoyt submitted to the consideration of the Court a motion for leave to file a petition for a writ of mandamus herein.

613. The Western Assurance Company of Toronto, v. Petitioner, William H. Halliday et al.

The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Hartwell Cabell, in support of the same, and Mr. Edward L. Taylor, Jr., Mr. A. P. Seymour, and Mr. Karl D. Webber, in opposition thereto.

614. John P. Virdin, part owner &c., v. Petitioner, The Steamer "Aragon" &c.,

615. John P. Virdin, part owner &c., v. Petitioner, Oscar Ellefsen, Master &c.

The petitions for writs of certiorari herein were submitted to the consideration of the Court on printed arguments by Mr. Horace L. Chapney and Mr. John F. Lewis, in support of the same, and Mr. Edward M. Brown, in opposition thereto.

514. Emma D. Fitzgerald Executrix et al., v. Appellants, Thomas G. Ritch et al.

515. John B. Reynolds, Executor &c., v. Appellant, Thomas G. Ritch et al.

Mr. C. M. Bovee, Jr., of counsel, for the appellees, submitted to the consideration of the Court a motion to advance the cause.

Monday, March 11th, 1901, Continued

313. The U.S. ex rel. Charles P. Stimmel, v. Aff'm Error, Frederick D. Allen, Commissioner of Patents.

On motion of Mr. Melville Church of counsel for the plaintiff in error, leave is hereby granted the Clerk to issue the mandate in this cause.

511. Emma S. Tayenwenthen et al, v. Appellants, Thomas G. Rilch et al.

515. John B. Reynolds, Executor &c., v. Appellants, Thomas G. Rilch et al.

Mr. William Baldie, of counsel for the appellants, submitted to the consideration of the Court a motion to dispense with the printing of volumes 5, 6, and 7 of the transcript of the record herein and to remit the Clerk's fee for supervising the printing of the same, which was opposed by Mr. C. N. Bovee Jr., of counsel for the appellees.

212. John Lowe, v. Appellant, The United States.

Mr. Charles L. Frailey of counsel for the appellant submitted to the consideration of the Court a motion to advance this cause and assign the same for argument immediately after No. 195.

599. Lindley E. Sinclair, Petitioner, vs. The District of Columbia. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. C. C. Cole, and Mr. J. J. Darlington, in support of the same, and Mr. Andrew B. Duvall and Mr. C. H. Thomas, in opposition thereto.

7, Original. The State of Kansas, Complainant vs. The State of Colorado et al. On motion of Mr. Hall Vigo, of counsel for the defendants, leave is hereby granted to file a motion to dismiss herein and said motion was ordered to be submitted on printed briefs on or before April 27th next.

595. Riverdale Cotton Mills, Petitioner, vs. Alabama & Georgia Manufacturing Company et al. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. William A. Dunbar and Mr. Francis A. Watts, in support of the same, and Mr. John T. Morgan and Mr. Marion Erwin, in opposition thereto.

177. Jules L. Bache, Appellant, vs. Samuel Hunt, Receiver, et al. The argument of this cause was continued by Mr. A. Spiegelberg of counsel for the appellant.

Tuesday, March 5th, 1901.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
} Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened;

D. N. Holden et al., Petitioners, v. J. A. Stratton, Trustee.

On motion of Mr. W. E. Humphrey, of counsel for the petitioners, leave is hereby granted to use the original transcript of record in case No. 38 on the present docket as an exhibit to the petition for a writ of certiorari herein.

671. D. N. Holden et al., Petitioners, v. J. A. Stratton, Trustee.

The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. P. P. Carroll, in support of the same, and Mr. Frederick Bausman, in opposition thereto.

177. Jules S. Bache, Appellant, vs. Samuel Hunt, Receiver, etal. The argument of this cause was continued by Mr. F. Spiegelberg of Counsel for the appellant, and Mr. A. N. Soline, of Counsel, for the appellees, and concluded by Mr. F. Spiegelberg, of Counsel for the appellant.

178. Samuel Wright et al., Appellants, vs. The Minnesota Mutual, Life Insurance Co, et al. This cause was argued by Mr. John F. Byers, of Counsel, for the appellants, and Mr. William D. Mitchell, of Counsel for the appellees.

181. Luther B. Hapk, Trustee, vs. Dahl Milliken Grocery Co This cause was submitted to the consideration of the Court on the record and on printed argument by Mr. William P. McClintock, of Counsel for Hapk, Trustee.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Wednesday, March 16th, 1904.

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. O. H. Ritt it is ordered that Samuel A. Herman, Esquire, of Torrington, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. C. Brome it is ordered that Frank Fuller, Esquire, of Wayne, State of Nebraska, be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph D. Wright it is ordered that Lewis

A. David, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was thereupon accordingly.

192. The New York, New Haven & Hartford Railroad Co., Plff in Error, vs. The Town of Plymouth et al.

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. William F. Kenney, of counsel for the plaintiff in error, and Mr. Charles E. Perkins and Mr. Samuel A. Herman, of counsel for the defendants in error.

187. The Newburyport Water Co., Appellant, vs. The City of Newburyport.

188. The Gloucester Water Supply Co., Appellant, vs. The City of Gloucester.

The argument of these cases was commenced by Mr. L. L. Bancroft, of counsel for the appellants, continued by Mr. A. E. Pillsbury, of counsel for the appellees, and concluded by Mr. A. M. Morse, of counsel for the appellants.

453 to 475 inclusive. John M. Sloan et al., Appellants, vs. The United States et al.

The argument of these cases was commenced by Mr. Thomas L. Sloan, of counsel for the appellants.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. J. P. Dolliver it is ordered that Louis Block, Esquire, of Davenport, State of Iowa, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Knight Shryock it is ordered that William A. Shryock, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

453 to 475 inclusive. John M. Sloan et al., Appellants, vs. The United States et al. The reargument of these cases was continued, by Mr. Thomas L. Sloan, of counsel for the appellants, and Mr. John L. Webster, of counsel for the appellees, and concluded by Mr. N. C. Brome, of counsel for the appellants.

185. The Missouri, Kansas & Texas Railway Co. of Texas, Plff in Error, vs. Clay May. This cause was submitted to the consideration of the Court on the record and a printed argument by Mr. James Hagerman, of counsel for the plaintiff in error. No counsel appeared for the defendant in error.

188. Edwin F. Brown, Receiver, Appellant, vs. George C. Schleier et al. The argument of this cause was commenced by Mr. James A. Brown, of counsel for the appellants.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Monday, March 18th, 1895.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White, Associate
Rufus W. Peckham, Justices
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Thomas A. Clark it is ordered that George W. Jones, Esquire, of Montgomery, State of Alabama, and Edward P. Garnett, Esquire, of Kansas City, State of Missouri, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. P. Greeley it is ordered that Alfred W. Riddle, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. C. Bacon it is ordered that E. B. Dreuissaux, Esquire, of Opelousas, and Hampden Story, Esquire, of Cloutierville, State of Louisiana, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

197. The United States, Appellant, v. Richard Jones. This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Assistant Attorney General Pradt and Mr. Philip M. Ashford, of counsel for the appellant, and Mr. George A. King, of counsel, for the appellee.)

198. The United States, Appellant, v. Charles A. Gildersleeve. This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Assistant Attorney General Pradt and Mr. Philip M. Ashford, of counsel for the appellant, and Mr. George A. King and Mr. W. B. King, of counsel for the appellee.)

199. The United States, Appellant, vs. Mary K. Wheeler, Admix. &c.
325. Mary K. Wheeler, Admix. &c. Appellant, vs. The United States.
These cases were submitted to the consideration of the Court on the record and printed arguments by Mr. Assistant Attorney General Pradt and Mr.

Ashford, of counsel for The United States, and Mr. Charles C. Lancaster, of counsel for Wheeler, Admr.

200. A. Rosebrough et al., owners of the Ship "Prosperis," v. Petitioners, Matthews Bridges.

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Milton Andrews, of counsel for the petitioners, and Mr. A. H. Ricketts, of counsel for the respondent.

188. Edwin F. Brown, Receiver &c., v. Appellant, George C. Schleier et al.

The argument of this cause was continued by Mr. James H. Brown, of counsel for the appellant, and concluded by Mr. John M. Waldron, of counsel for the appellees.

191. Southern Railway Co., v. Pltff in Error, Mary L. Beach, Admx &c.

This cause was submitted to the consideration of the Court on the record and printed argument by Mr. F. A. Busbee, Mr. W. A. Henderson, and Mr. Charles Price, of counsel for the plaintiff in error. No counsel appeared for the defendant in error.

193. M. J. Coventry et al., v. Plffs in Error, J. W. Davis et al.

This cause was submitted to the consideration of

the Court on the record and printed arguments by Mr. Eugene F. Ware, of counsel for the plaintiffs in error, and Mr. J. D. McCleverty and Mr. W. P. Dillard, of counsel for the defendants in error.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday, March 31st, 1902.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.
John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. N. H. Glassie it is ordered that Henry A. Craig, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John B. Cotton it is ordered that James Donovan, Esquire, of Helena, State of Montana, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Hoyt it is ordered that Ulysses L. Marvin, Esquire, of Akron, State of Ohio, be admitted to practice as attorney and counsellor of this Court and he was sworn accordingly.

310. Tom Hong, alias Hom Poe, Appellant, vs. The United States. Appeal from the District Court of the United States for the Eastern District of New York

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of New York, and was argued by counsel. On consideration whereof it is now here ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court with directions to discharge the appellant.

Per Mr Justice Day.

311. Tom Dock, alias Hom Dock, Appellant, vs. The United States. Appeal from the District Court of the United States for the Eastern District of New York.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of New York, and

It is now here ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court, with directions to discharge the appellant.

Per Mr. Justice Day.

313. Lee Kit, Appellant, v. The United States. Appeal from the District Court of the United States for the Eastern District of New York.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of New York, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court with directions to discharge the appellant.

Per Mr. Justice Day.

167. D. N. Adams, Plff in Error, v. J. M. Church, Administrator of R. M. Steel, deceased, In Error to the Circuit Court of Malheur County, State of Oregon.

This cause came on to be heard on the transcript of the record from the Circuit Court of Malheur

State of Oregon, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Day.

154. James C. Fargo, as President of The American Express Company, Appellant, v. William H. Hart, Auditor of the State of Indiana. Appeal from the Circuit Court of the United States for the District of Indiana.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Indiana, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court, for further proceedings in conformity to law.

Per Mr. Justice Holmes.

Dissenting:
Mr. Chief Justice Fuller,
Mr. Justice Brewer and
Mr. Justice Day.

157. Granville Ripper, Plff in Error, vs. The State of Texas. In Error to the Court of Criminal Appeals of the State of Texas.

This cause came on to be heard on the transcript of the record from the Court of Criminal Appeals of the State of Texas, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Criminal Appeals in this cause be, and the same is hereby affirmed with costs.

Per Mr. Justice Holmes.

160. Charles A. Pinder, Plff in Error, vs. Frederick L. Colwell. In Error to the Supreme Court of the State of New York.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of New York, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Peckham.

Dissenting:
Mr. Justice Brown
Mr. Justice White and
Mr. Justice Holmes.

134. Cosmopolitan Mining Company (Aff in Error) vs. Thomas F. Walsh. In Error to the Circuit Court of the United States for the District of Colorado.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Colorado, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby dismissed, for the want of jurisdiction.

Per Mr. Justice White.

163. Charles Gagnon, Appellant, vs. The United States. Appeal from the Court of Claims.

This cause came on to be heard on the transcript of the record from the Court of Claims, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause be, and the same is hereby affirmed.

Per Mr. Justice Brown.

174. John D. Boering and Marlin G. Boering, his wife, vs. Chesapeake Beach Railway Company. In Error to the Court of Appeals of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the District of Columbia, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Appeals in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Brewer.

514. Emma S. Fryer et al., Appellants, vs. Thomas L. Ritch, et al.

5162. John B. Reynolds, Executor &c., Appellant, vs. Thomas L. Ritch, et al.

On consideration of the motion to advance these cases, and the motion to dispense with printing volumes 5, 6, & 7 of the transcript of record, and to remit the Clerk's fee for supervising the printing of same, It is now here ordered by the Court that said motion to advance be, and the same is hereby, granted, and the cases assigned for argument on Tuesday, October 14th next, after the cases heretofore assigned for that day.

It is further ordered that the motion to dispense with printing of volumes 5, 6, & 7 of the transcript of record

and to remit the Clerk's fee for superseding the same be, and the same is hereby postponed to the hearing of the cause on the merits, and counsel may in the meantime proceed under paragraph 9 of Rule 10.

Per Mr. Justice Harlan.

150. The Underground Railroad of the City of New York et al., Appellants, v. The City of New York, Robert A. Van Wyck, individually, and as Mayor of the City of New York et al. Appeal from the Circuit Court of the United States for the Southern District of New York.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby affirmed with costs.

Per Mr. Chief Justice Fuller.

159. Charles T. Barney, Appellant, v. The City of New York, The Board of Rapid Transit Railroad Commissioners for the City of New York et al. Appeal from the Circuit Court of the United States for the Southern District of New York.

This cause came on to be heard on the

of the record from the Circuit Court of the United States for the Southern District of New York, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Fuller.

173. Arabella D. Huntington, Appellant, vs. The City of New York, Board of Rapid Transit Railroad Commissioners for the City of New York et al.) Appeal from the Circuit Court of the United States for the Southern District of New York.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Fuller.

367. The Western Union Telegraph Co., vs. The Pennsylvania Railroad Company et al.) On consideration of the motion to advance this cause, It is now here ordered by the Court

that said motion be, and the same is hereby, granted and the cause assigned for argument on Tuesday, October 11th next, after the cases heretofore assigned for that day.

Per Mr. Chief Justice Fuller.

605. The Western Union Telegraph Company, Petitioner, vs. The Pennsylvania Railroad Company et al. | On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

In consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, it is now here ordered by the Court that said petition be, and the same is hereby, granted.

Per Mr. Chief Justice Fuller.

605. The Western Union Telegraph Co., Petitioner, vs. The Pennsylvania Railroad, Company et al. | It is ordered by the Court that this cause be, and the same is hereby, advanced and assigned for argument on Tuesday, October 11th next week, Case No. 367, as one case.

Per Mr. Chief Justice Fuller.

365. The Western Union Telegraph Co., Plff in Error, v. The Pennsylvania Railroad Co. It is ordered by the Court that this cause be, and the same is hereby, advanced and assigned for argument on Tuesday, October 11th next, after cases Nos. 367 and 605. (per Mr. Chief Justice Fuller.)

Ex parte. In the matter of The United States, Petitioner. (16, Original.) On consideration of the motion for leave to file a petition for a writ of mandamus herein, It is now here ordered by the Court that said motion be, and the same is hereby, granted. (per Mr. Chief Justice Fuller.)

Ex parte. In the matter of The United States, Petitioner. (16, Original.) On consideration of the petition of The United States, It is now here ordered by the Court that cause be shown by the Hon. Francis J. Wing, Judge, and N. F. Winston, Clerk, of the District Court of the United States for the Northern District of Ohio, Eastern Division, before this Court, at the City of Washington, on Monday, April 4th, 1904, at twelve o'clock noon of that day, or as soon thereafter as counsel can be heard, why a writ of mandamus should not be granted, as prayed in said petition. (per Mr. Chief Justice Fuller.)

Original. The State of Kansas, Complainant, vs. The State of Colorado et al. On consideration of the motion of the United States for leave to intervene in this cause, It is now here ordered by the Court that said motion be, and the same is, hereby, granted.

Per Mr. Chief Justice Fuller.

192. John Lowe, Appellant, vs. The United States. On consideration of the motion to advance this cause and assign the same for argument immediately after case No. 195, It is now here ordered by the Court that said motion be, and the same is hereby granted.

Per Mr. Chief Justice Fuller.

595. Riverdale Cotton Mills, Petitioner, vs. Alabama & Georgia Manufacturing Company et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, granted.

Per Mr. Chief Justice Fuller.

D. M. Holden and Lizzie Holden, Petitioners, v. James A. Stratton, Trustee. On petition for writ tiorari to the Un Circuit Court of for the Ninth Ci

On consideration of the petition for a writ of herein to the United States Circuit Court of for the Ninth Circuit, and of the argument sel thereupon had, as well in support of as the same, It is now here ordered by the Co said petition be, and the same is hereby

Per Mr. Chief Justice

Lindley E. Sinclair, Petitioner, v. The District of Columbia. On petition for writ tiorari to the Court of of the District of Co

599.

On consideration of the petition for a writ tiorari herein to the Court of Appeals of District of Columbia, and of the argumen of counsel thereupon had, as well in supp of as against the same, It is now here or by the Court that said petition be, and same is hereby, denied.

Per Mr. Chief Justice Fuller

604. The Western Assurance Company of Toront. Petitioner, vs. William H. Halliday et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

619. John P. Virdin, part owner of the Steam Pilot Boat "Philadelphia", Petitioner, vs. The Steamer "Anagan", Oscar Illefsen, Master. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

John P. Virdin, part owner of the Steam Pilot Boat "Philadelphia", Petitioner, vs. Oscar Olafson, Master of the Steamer "Aragat." On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

191. The Southern Railway Company, Plff in Error, vs. Mary L. Beach, Administratrix of Walter E. Beach. In Error to the Supreme Court of the State of North Carolina.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of North Carolina, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said,

Supreme Court for further proceedings.
Per Mr. Chief Justice Fuller.

The New York, New Haven & Hartford Railroad Company, Plff in Error, v. The Town of Plymouth, Bristol & Plainville Tramway Company et al. } In Error to the Supreme Court of Errors of the State of Connecticut.

This Cause came on to be heard on the transcript of the record from the Supreme Court of Errors of the State of Connecticut, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.
Per Mr. Chief Justice Fuller.

J. Coventry, R. Gorber, J. N. Crain et al, Plff in Error, v. W. Davis, C. A. Larkin, J. V. Burnett et al, } In Error to the Supreme Court of the State of Kansas

This Cause came on to be heard on the transcript of the record from the Supreme Court of the State of Kansas, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is

dismissed for the want of jurisdiction.
(Per Mr. Chief Justice Fuller.)

357. H. S. Kirby, Appellant, vs. American Soda Fountain Company. (Mr. John J. Weed.)

The motions to dismiss or affirm in this cause were submitted to the consideration of the Court on the record and printed arguments by Mr. John J. Weed, in support of the same, and Mr. J. M. McCormick, in opposition thereto.

283. The Citizens' National Bank of Kansas City, Mo., Plff. in Error, vs. W. S. O. Donnell. (Mr. S. O. Donnell.)

The motions to dismiss or affirm in this cause were submitted to the consideration of the Court on the record and printed arguments by Mr. Edward C. Garnett, in support of the same, and Mr. C. H. Dean, in opposition thereto.

560. The United States, Appellant, vs. Frank D. Anderson and Wm. J. Cameron, Trustees. (Mr. Assistant Attorney General Hadt, of counsel for the appellant, and Mr. M. D. Brainard and Mr. J. A. W. Smith, of counsel for the appellees.)

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Assistant Attorney General Hadt, of counsel for the appellant, and Mr. M. D. Brainard and Mr. J. A. W. Smith, of counsel for the appellees.

Keller Tool Company et al. Petitioners,
vs.
Joseph Boyer.

The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. William A. Maury, Mr. E. Hayward Fairbanks, and Mr. Hector T. Fenton in support of the same, and leave was granted counsel for the respondent to file a brief in opposition thereto on or before Wednesday next.

The United States ex rel. Franz B. Edwards, Lieutenant U.S. Army, Petitioner,
vs.
Elihu Root, Secretary of War, et al.

The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. Henry A. Craig, in support of the same, and leave was granted counsel for respondents to file a brief in opposition thereto on or before Friday next.

Abram P. Thompson, Plaintiff in Error,
vs.
Joseph J. Darden.

Mr. Robert M. Hughes, of counsel for the plaintiff in error, submitted to the consideration of the Court a motion to advance this cause.

E. J. Roberts, Petitioner,
vs.
The United States.

The petition for a writ of certiorari herein was

discussion of the Court by Mr. Cecil A. Smith and Mr. Frank Lee, in support of the same.

508. Phoebe R. E. E. Linton et al. vs. Fred Neye et al. } Pltffs in Error, } The motions to dismiss or affirm in this cause were submitted to the consideration of the Court on the record and printed arguments by Mr. John C. Watson and Mr. John D. Morgan, in support of the same, and Mr. Joseph N. Blair, in opposition thereto.

509. The Missouri, Kansas & Texas Railway Co. of Texas, vs. Clay May. } Pltff in Error, } Ordered by the Court that the Attorney General of the State of Texas be notified of the pendency of this suit.

Proclamation being made the Court is adjourned until Monday, April 7th next at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. J. C. McReynolds it is ordered that Charles Pollard Cocke, Esquire, of New Orleans, State of Louisiana, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. M. D. Purdy it is ordered that Cornelius H. Finnegan, Esquire, of St. Louis, State of Missouri, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the

Mr. C. E. Littlefield, it is ordered that John W. Cummings, Esquire, of Fall River, State of Massachusetts, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John S. Wise it is ordered that James A. Hayes, Esquire, of Richmond, State of Virginia, be admitted to practice as an attorney and counsellor of this Court and he was sworn, accordingly.

On motion first made to the Court in this behalf by Mr. S. D. McEnery it is ordered that J. Henry Shepherd, Esquire, of South McAlester, Indian Territory, and Lionel Adams, Esquire, of New Orleans, State of Louisiana, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. J. Rose it is ordered that Edward A. Freshman, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank W. Haskell it is ordered that Francis M. Hatch, Esquire, of Honolulu, Territory of

Hawaii, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. B. Browne it is ordered that Millon Scott Hamilton, Esquire, of San Francisco, State of California, and Robert M. Moore, Esquire, of New York City, be admitted to practice as attorneys and Counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas A. Hart it is ordered that Edgar Watkins, Esquire, of Houston, State of Texas, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wayne Mac Veagh it is ordered that Frank A. Lyon, Esquire, of Hillsdale, State of Michigan, and William Hitz, Esquire, of Washington, District of Columbia, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

1107. The Interstate Commerce Commission, Appellant, vs. David G. Baird, Fred T. Chambers, George O. Wallman et al. Appeal from the Circuit Court of the United States for the Southern District of New York.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the order of the said Circuit Court appealed from in this cause be, and the same is hereby, reversed with costs; And that this cause be, and the same is hereby, remanded to the said Circuit Court for further proceedings in accordance with the opinion of this Court.

Per Mr. Justice Day.

Dissenting:
Mr. Justice Brewer.

178. Samuel Wright and Edras B. Truby, vs. The Minnesota Mutual Life Insurance Company of St. Paul, Minnesota, et al. Appellants, Appeal from the Circuit Court of the United States for the District of Minnesota.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United

States for the District of Minnesota, and was argued by Counsel. On Consideration Whereof, it is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this Cause be, and the same is hereby, affirmed, with Costs.

(Per Mr. Justice Day.)

The United States, Appellant
vs. } Appeal from the
The Commonwealth Title Court of Claims.
Insurance & Trust Co., Trustee.

This Cause came on to be heard on the transcript of the record from the Court of Claims, and was argued by Counsel. On Consideration Whereof, it is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this Cause be, and the same is hereby, affirmed.

(Per Mr. Justice McKenna.)

The National Mutual Building } In Error to the
Loan Association of New York, } Supreme Court
vs. } of the State of
Frank V. Brahan. } Mississippi.

This Cause came on to be heard on the transcript of the record from the Supreme Court of the State of Mississippi, and was argued by Counsel. On Consideration Whereof, it is

and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs and interest until paid, at the same rate, per annum that similar judgments bear in the Courts of the State of Mississippi.

Per Mr. Justice McKenna.

(Mr. Justice White took no part in the decision of this case.)

185. Edwin P. Brown, as Receiver of The People's National Bank of Denver, Colorado, Appellant, v. George C. Schleier and The People's National Bank of Denver, Colorado. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with costs; And that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the District of Colorado.

Per Mr. Justice McKenna.

William A. Platt, as Receiver of The Commercial National Bank of Denver, Colorado, vs. Cliff in Error, Oscar W. Wilmot. In Error to the United States Circuit Court of Appeals for the Second Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the Northern District of New York.

(Per Mr. Justice Peckham.)

John M. Sloan et al., Appellants, vs. The United States et al. Appeal from the Circuit Court of the United States for the District of Nebraska.

This cause came on to be heard on the transcript of record from the Circuit Court of the United States for the District of Nebraska, and was argued by counsel. On consideration whereof, It is now ordered, adjudged, and decreed by this Court that the appeal be, and the same is hereby, dismissed, for the want of jurisdiction.

Mr. Justice

454. Josephine Mitchell, Appellant, vs. The United States et al. Appeal from the Circuit Court of the United States for the District of Nebraska.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Nebraska, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Justice Peckham.

455. Emil Peters, Appellant, vs. The United States. Appeal from the Circuit Court of the United States for the District of Nebraska.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Nebraska, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Justice Peckham.

1456. Frank A. Peters, Appellant, vs. The United States et al. Appeal from the Circuit Court of the United States for the District of Nebraska.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Nebraska, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Justice Peckham.

1457. Walter V. Peters, Appellant, vs. The United States et al. Appeal from the Circuit Court of the United States for the District of Nebraska.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Nebraska, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Justice Peckham.

1158. Jacob Peters, Appellant, vs. The United States et al. Appeal from the Circuit Court of the United States for the District of Nebraska

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Nebraska, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Justice Peckham.

1159. Sarah F. McCreary, Appellant, vs. The United States et al. Appeal from the Circuit Court of the United States for the District of Nebraska

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Nebraska, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Justice Peckham.

1160. Jennie M. Arnold, Appellant, vs. The United States et al. Appeal from the Circuit Court of the United States for the District of Nebraska.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Nebraska, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is, hereby, dismissed for the want of jurisdiction.

Per Mr. Justice Peckham.

1161. Mitchell Morette et al. Appellants, vs. The United States et al. Appeal from the Circuit Court of the United States for the District of Nebraska.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Nebraska, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Justice Peckham.

467. Cassie M. Karch, Appellant, v. The United States et al. Appeal from the Circuit Court of the United States for the District of Nebraska.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Nebraska, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Justice Peckham.

463. Thomas Barada, Appellant, v. The United States et al. Appeal from the Circuit Court of the United States for the District of Nebraska.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Nebraska, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby dismissed for the want of jurisdiction.

Per Mr. Justice Peckham.

464. Mary Sailors, Appellant vs. The United States et al. Appeal from the Circuit Court of the United States for the District of Nebraska.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Nebraska, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Justice Peckham.

465. Artemesia Frost, Appellant vs. The United States. Appeal from the Circuit Court of the United States for the District of Nebraska.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Nebraska, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Justice Peckham.

1166. Edward Kuhn, Appellant, v. The United States. Appeal from the Circuit Court of the United States for the District of Nebraska.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Nebraska, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Justice Peckham

1167. Ethel Kuhn Rutledge, Appellant, v. The United States. Appeal from the Circuit Court of the United States for the District of Nebraska.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Nebraska, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Justice Peckham

468. Charles Frost, Appellant, vs. The United States. Appeal from the Circuit Court of the United States for the District of Nebraska.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Nebraska, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Justice Peckham.

469. Celestine B. Kuhn, Appellant, vs. The United States. Appeal from the Circuit Court of the United States for the District of Nebraska.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Nebraska, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Justice Peckham.

Monday, April 4th, 1904, Continued:

1470. Stella Kuhn, Appellant, vs. The United States. Appeal from the Circuit Court of the United States for the District of Nebraska.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Nebraska, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Justice Peckham

1471. Philemon A. Frost, Appellant, vs. The United States et al. Appeal from the Circuit Court of the United States for the District of Nebraska.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Nebraska, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Justice Peckham

1472. Leonard Frost, Appellant, vs. The United States et al. Appeal from the Circuit Court of the United States for the District of Nebraska.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Nebraska, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Justice Peckham.

1473. Maggie E. Rockwell, Appellant, vs. The United States et al. Appeal from the Circuit Court of the United States for the District of Nebraska.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Nebraska, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Justice Peckham.

1711. Michele Morello, Appellant, v. The United States. Appeal from the Circuit Court of the United States for the District of Nebraska.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Nebraska, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby dismissed for the want of jurisdiction.

Per Mr. Justice Peckham.

1775. John M. Sloan, Appellant, v. The United States et al. Appeal from the Circuit Court of the United States for the District of Nebraska.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Nebraska, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Justice Peckham.

503. William H. Pope, Plff in Error
vs.
John M. C. Williams and John W. Harper, Officers of Registration, Constituting The Board of Registry for Election District No. 7 of Montgomery County, Maryland. } In Error to the Court of Appeals of the State of Maryland.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the State of Maryland and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Appeals in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Peckham.

1148. The United States, Plff in Error
vs.
C. C. McCoy, Lewis W. Small, William O'Donnell and Thomas Musgrove. } In Error to the United States Circuit Court of Appeals for the Ninth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals and the judgment of the Circuit Court of the United States for the District of Washington

cause be, and the same are hereby, reversed; and that this cause be, and the same is hereby remanded to the said Circuit Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice White,

1116. The Third National Bank of Buffalo, New York, Plff in Error, v. The Buffalo German Insurance Company. In Error to the Court of Appeals of the State of New York.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the State of New York, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Appeals in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice White.

182. The Newburyport Water Company, Appellant, v. The City of Newburyport. Appeal from the Circuit Court of the United States for the District of Massachusetts.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Massachusetts, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this

Court that the decree of the said Circuit Court in this cause be, and the same is hereby, reversed, at the appellant's costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to dismiss the bill for want of jurisdiction.

Per Mr. Justice White.

183 The Gloucester Water Supply Company, Appellant, v. The City of Gloucester. Appeal from the Circuit Court of the United States for the District of Massachusetts.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Massachusetts, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, reversed, at the appellant's costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to dismiss the bill for want of jurisdiction.

Per Mr. Justice White.

166. The Mutual Life Insurance Company of New York, Petitioner, v. Eliza Maud Hill, George E. Hill, Ellen Kellogg Hill et al. } On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals and the judgment of the Circuit Court of the United States for the District of Washington in this cause be, and the same are hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to set aside the verdict and grant a new trial and to proceed further in accordance with the views expressed in the opinion of this Court.

Per Mr. Justice Brewer.

(Mr. Justice Peckham took no part in the decision of this case.)

165. The Great Southern Fire Proof Hotel Company, Petitioner, vs. Benjamin F. Jones, George M. Laughlin, Benjamin F. Jones Jr., et al. — Writ of Certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by Counsel. On consideration whereof, It is now ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals in this cause be, and the same is, hereby, affirmed with costs; and that this cause be, and the same is hereby remanded to the Circuit Court of the United States for the Southern District of Ohio.

Per Mr. Justice Harlan.

170. Jules S. Bache, Appellant, vs. Samuel Hunt as Receiver of The St. Louis, Toledo & Kansas City Railroad Company et al. — Appeal from the Circuit Court of the United States for the Northern District of Ohio.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Ohio, and was argued by Counsel. On consideration whereof,

by this Court that this appeal be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

181. Luther B. Yaple, Trustee in Bankruptcy of Hannah L. Weltner, doing business as Hannah L. Weltner & Son, v. Dahl-Millikan Grocery Co. On a certificate from the United States Circuit Court of Appeals for the Sixth Circuit.

This cause came on to be heard on a certificate from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel. On consideration whereof, It is the opinion of this Court that the first question certified should be answered in the negative. Whereupon, It is now here ordered by this Court that it be so certified to the said United States Circuit Court of Appeals.

Per Mr. Chief Justice Fuller.

197. The United States, Appellant, v. Richard Jones. Appeal from the Court of Claims.

This cause came on to be heard on the transcript of the record from the Court of Claims and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this

cause be, and the same is hereby, modified by the omission of the item of $91.20 for administering oaths and affixing jurats to accounts of United States Marshals, and, as so modified, be, and the same is hereby, affirmed.

Per Mr. Chief Justice Fuller.

198. The United States, Appellant, vs. Charles H. Gildersleeve, } Appeal from the Court of Claims.

This cause came on to be heard on the transcript of the record from the Court of Claims, and was argued by Counsel. On consideration whereof, it is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause be, and the same is hereby, affirmed.

Per Mr. Chief Justice Fuller.

199. The United States, Appellant, vs. Mary K. Wheeler, Administratrix of Stephen Wheeler, deceased. } Appeals from the Court of Claims.

525. Mary K. Wheeler, Administratrix of Stephen Wheeler, deceased, Appellant, vs. The United States.

This cause came on to be heard on the transcript of the record from the Court of Claims, on appeal and cross-appeal and was

On consideration whereof, It is now here ordered, and adjudged by this Court that the judgment of the said Court of Claims in this cause be, and the same is hereby, affirmed.

Per Mr. Chief Justice Fuller.

132. The People's Gas Light and Coke Company, Appellant, v. The City of Chicago. Appeal from the Circuit Court of the United States for the Northern District of Illinois.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Fuller.

283. The Citizens National Bank of Kansas City, Missouri, v. Jeff in Error, M. S. C. Donnell. It is ordered by the Court that the further consideration of the motion to dismiss or affirm in this cause be, and the same is hereby, postponed until the hearing of the cause on its merits.

Per Mr. Chief Justice Fuller.

519. Abram P. Thompson, Plaintiff in Error, vs. Joseph J. Darden. On consideration of the motion to advance this cause, It is now here ordered by the Court that said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

598. Keller Tool Company and Philadelphia Pneumatic Tool Company, Petitioners, vs. Joseph Boyer. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

610. E. J. Roberts, Petitioner, vs. The United States. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument.

against the same, It is now here ordered by the Court that said petition be, and the same, is hereby, denied.

Per Mr. Chief Justice Fuller.

614. The United States ex rel. Frank B. Edwards, Lieutenant of Artillery, U.S.A., Petitioner, vs. Elihu Root, Secretary of War, etal. On petition for writ of certiorari to the Court of Appeals of the District of Columbia.

On consideration of the petition for a writ of certiorari herein to the Court of Appeals of the District of Columbia, and of the argument of Counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

615. William K. Vanderbilt etal, Executors &c., vs. Ferdinand Eiman, as U.S. Collector &c. Mr. Solicitor General Hoyt, in behalf of Counsel, submitted to the consideration of the Court a motion

to advance this cause.

639. Leung Sing or Long Sing, Appellant, v. The United States.

Mr. Solicitor General, Asst. of Counsel for the appellee, having filed in open Court the following certificate, to wit:

"District Court of the United States,
For the Eastern District of New York.

I, Richard P. Morle, Clerk of the District Court of the United States for the Eastern District of New York, do hereby certify that in a certain cause pending in said Court wherein The United States of America was respondent, and Leung Sing or Long Sing was appellant, a final decree was rendered by said District Court on the 31st day of July, A.D. 1903, in favor of the said United States of America against the said Leung Sing or Long Sing, and that on the 17th day of July, A.D. 1903, said Leung Sing or Long Sing prayed an appeal to the Supreme Court of the United States, which was allowed.

In testimony whereof I hereunto subscribe my name and affix the seal of said District Court, at Brooklyn, New York, this 22d day of March, A.D. 1904.

(Seal) Richard P. Morle, Clerk"

moved the Court to docket and dismiss this cause pursuant to the 9th rule; and it appearing to the Court that the appellant has failed to have

the Rules of this Court, It is now here ordered, adjudged, and decreed by this Court that this appeal from the District Court of the United States for the Eastern District of New York be, and the same is hereby, docketed and dismissed; and that this cause be, and the same is hereby, remanded to the said District Court to be proceeded in according to law and justice. Per Mr. Chief Justice Fuller.

629. Loung Sing or Long Sing, Appellant, v. The United States. On motion of Mr. Solicitor General Hoyt, of counsel for the appellee, leave is hereby granted the Clerk to issue the mandate in this cause.

631. F. Augustus Heinze et al., Petitioners, v. The Butte & Boston Consolidated Mining Company. The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. John J. McHatton, in support of the same, and Mr. James M. Beck and Mr. John A. Garver, in opposition thereto.

629. The Morning Journal Association, Petitioner, v. James A. Durke. The petition for a writ of certiorari herein was submitted to the con-

Court on printed arguments by Mr. Clarence J. Shearn, in support of the same, and Mr. Abram J. Rose and Mr. Alfred C. Pelle, in opposition thereto.

637. The Great Western Mining & Manufacturing Co., Bkpt. L. C. Black, Receiver, Petitioner, v. Charles A. Harris et al., Executors &c. The petition for a writ of certiorari, herein was submitted to the consideration of the Court on printed arguments by Mr. Harlan Cleveland, in support of the same, and Mr. Julien T. Davies and Mr. Bernard Tolles, in opposition thereto.

374. Lena L. Walton et al., Petitioners, v. The Wild Goose Mining & Trading Company. The petition for a writ of certiorari, herein was submitted to the consideration of the Court on printed arguments by Mr. John M. Thurston, Mr. J. M. Hughes, and Mr. D. W. Burchard, in support of the same, and Mr. Charles Page and Mr. E. J. McCutchen, in opposition thereto.

614. Dexter Horton & Co., Bankers, Petitioners, v. London & San Francisco Bank, The petition for a writ of certiorari, herein was sub-

sideration of the Court on printed arguments by Mr. William S. Humphrey, in support of the same, and Mr. Charles E. Shepard and Mr. Thomas R. Shepard, in opposition thereto.

634 The Netherland Life Insurance Co, Limited, Petitioner, v. Mary Meinert. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. George W. Wickersham, in support of the same, and Mr. Albert J. Beveridge, in opposition thereto.

638 J. Raymond Smith, Petitioner, v. The Steamship "Oneida," The Clyde Steamship Co., Claimant. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Wilhelmus Mynderse, in support of the same, and Mr. Henry Galbraith Ward, in opposition thereto.

640. Alexander K. Coney, Appellant, v. Continental Building & Loan Association. Mr. Thomas A. Clark, of counsel for the appellee, having filed in open Court the following certificate, to wit:

"District Court of the United States,

I, George E. Morse, Clerk of the District Court of the United States for the Northern District of California, do hereby certify that in a certain Cause pending in said Court, wherein Continental Building and Loan Association, a corporation, was complainant and Alexander K. Coney, John Doe, and Richard Roe were defendants, a final decree was rendered by said District Court on the 17th day of December, A.D. 1902, in favor of the said complainant and against the said defendant, Alexander K. Coney, and that on the 17th day of February, A.D. 1903, said defendant, Alexander K. Coney, prayed an appeal to the Supreme Court of the United States which was allowed.

In testimony whereof I hereunto subscribe my name and affix the seal of said District Court of the City and County of San Francisco, this 5th day of March, A.D. 1904.

(Seal)

Geo. E. Morse, Clerk.

By J. S. Manley, Deputy Clerk.

Moved the Court to docket and dismiss this cause pursuant to the 6th rule; and it appearing to the Court that the appellant has failed to have his cause filed and docketed in conformity with the rules of this Court. It is now here ordered, adjudged, and decreed by this Court that this appeal from the District,

of California be, and the same is hereby, docketed and dismissed with costs; and that this cause be, and the same is hereby, remanded to the said District Court to be proceeded in according to law and justice.

(Per Mr. Chief Justice Fuller.)

764. The Terre Haute & Indianapolis Railroad Company, Plff in Error, vs. The State of Indiana ex rel. William A. Ketcham, Attorney Genl. — The motions to dismiss or affirm in this cause were submitted to the consideration of the Court on the record and printed arguments by Mr. R. O. Hawkins, Mr. William A. Ketcham, Mr. R. S. Taylor, and Mr. Ferdinand Winter, in support of the same, and Mr. Lawrence Maxwell, Jr., Mr. S. O. Pickens, and Mr. John G. Williams, in opposition thereto.

696. The United States, to use of J. Edward Chapman, Petitioner, vs. The City Trust, Safe Deposit & Security Co., of Philadelphia. — The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. Charles A. Merillat, in support of the same.

637. Herman R. Murray, Petitioner, vs. Isaac C. Wilson, Trustee. — The petition for a writ of certiorari herein was submitted to the consideration

of the Court on printed arguments by Mr. Vincent A. Shelby in support of the same, and Mr. Thomas D. Rambaut, in opposition thereto.

567. Helen Potts Hall, Appellant, vs. The First National Bank of Bridgeport et al. Appeal from the Circuit Court of the United States for the District of Connecticut

It appearing to the Court that a stipulation of counsel for the respective parties to dismiss this appeal has been filed, therefore, in pursuance of said stipulation, it is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is, hereby, dismissed.

Per Mr. Chief Justice Fuller.

546. Southern Railway Company, Plff in Error, vs. James L. Carson. The motions to dismiss or affirm in this cause were submitted, to the consideration of the Court on the record and printed arguments by Mr. J. Altheus Johnson, in support of the same, and Mr. W. A. Henderson and Mr. D. P. Corban, in opposition thereto.

William H. Jones et al.,
187. vs. Plffs in Error,
Andrew J. Montague, Governor, et al.
William S. Selden et al.,
190. vs. Appellants,
Andrew J. Montague, Governor, et al.

On motion of Mr. John S. Wise, of Counsel for the Plaintiffs in error and appellants, It is ordered by the Court that one hour additional time be allowed Counsel, on each side for the argument of these Cases.

William H. Jones et al.,
187. vs. Plffs in Error,
Andrew J. Montague, Governor, et al.
William S. Selden et al.,
190. vs. Appellants
Andrew J. Montague, Governor, et al.

The argument of these Cases was Commenced by Mr. John S. Wise, of Counsel for the Plaintiffs in error and appellants, and Continued by Mr. W. A. Anderson, of Counsel for the defendants in error and appellees.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Tuesday, April 9th, 1901.

Pursuant to adjournment the Court met to-day at the Capitol.

Present:

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made, the Court is opened.

On motion first made to the Court in this behalf by Mr. William Henry Dennis it is ordered that Robert A. Holland, Jr., Esquire, of St. Louis, State of Missouri, be admitted to practice as an attorney and counselor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry P. Blair it is ordered that Edwin Byron Smith and Charles E. Norman, Esquires, of Chicago, State of Illinois, be admitted to practice as attorneys and counselors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. M. Hewlett it is ordered that Armond W. Scott, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

565. Plymouth Cordage Co., et al., v. J. A. Smith, et al.) This cause was submitted to the consideration of the Court on the record and a printed argument by Mr. C. C. Brandenburg and Mr. C. A. Kraulhoff, of counsel for Plymouth Cordage Co., et al.)

194. The United States, v. Appellant; Mary K. Wheeler, Admx &c. 525 Mary K. Wheeler, Admx &c., v. Appellant, The United States. On motion of Mr. C. C. Lancaster, of counsel for Wheeler, Admx &c., leave is hereby granted the Clerk to issue the mandate in these cases

189. William A. Jones et al., v. Plffs in Error, Andrew J. Montague, Governor, et al. 190. William S. Selden et al., v. Appellants, Andrew J. Montague, Governor, et al. The argument of these cases was continued by Mr. W. A. Anderson and Mr. P. W. Christian, of counsel for the defendants in error and appellees, and concluded by Mr. John S. Wise, of

130. Robert L. West et al, Pltffs in Error, vs. The State of Louisiana. This cause was argued by Mr. Lord Adams, of Counsel for the Plaintiffs in error, and submitted on a printed argument by Mr. Walter Guion and Mr. S. C. Zacharie, of Counsel for the defendant in error.

Proclamation being made the Court is adjourned, until tomorrow at twelve o'clock.

Wednesday, April 6th. 1904.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
} Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened;

On motion first made to the Court in this behalf by Mr. J. J. Jenkins it is ordered that W. T. Bailey, Esquire, of Eau Claire, State of Wisconsin, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

196. Joseph R. Dimes, Plff in Error, v. The United States. This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. J. C. Campbell and Mr. H. H. Metson, of Counsel for the plaintiff in error, and

for the defendant in error.

563. Henry C. Pellit, U.S. Marshal &c, Appellant, v. Thomas Walshe. This cause was argued by Mr. Charles Fox, of counsel for the appellant, and Mr. Ferdinand Winter, of counsel for the appellee.

561. The United States ex rel. John Turner, Appellant, v. William Williams, U.S. Commissioner of Immigration. The argument of this cause was commenced by Mr. Edgar L. Masters, of counsel for the appellant, and continued by Mr. Assistant Attorney General McReynolds, of counsel for the appellee.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Thursday, April 5th, 1900.

Pursuant to adjournment the Court met at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White, Associate
Rufus W. Peckham, Justices.
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made, the Court is opened;

On motion first made to the Court in this behalf by Mr. John E. Taylor it is ordered that John H. Britton, Esquire, of Boston, State of Massachusetts, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

561. The United States ex rel. John Turner, Appellant v. William Williams, U.S. Commissioner of Immigration.

The argument of this cause was continued by Mr. Assistant Attorney General McReynolds, of counsel for the

of counsel for the appellant.

591. The United States, Petitioners, v. Sing Tuck or King Ds and 31 others. This cause was argued by Mr. Assistant Attorney General McReynolds, of counsel, for the petitioner, and Mr. Robert M. Moore, of counsel for the Respondents.

142 Edward E. Bessette, v. W. B. Conkey Company. The argument of this cause was commenced by Mr. William V. Rooker, of counsel for Bessette.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Friday, April 5th, 1901.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Richard R. McMahon it is ordered that James C. Lenney, Esquire, of New York City be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. J. Hopkins it is ordered that Charles Whitney and Fred B. Whitney, Esquires of Waukegan, State of Illinois, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

The State of Wisconsin, Complainant,
vs.
Ethan Allen Hitchcock, Secretary of the Interior.

On motion of Mr. J. V. Quarles, in behalf of counsel for the complainant, It is ordered by the Court that leave be, and the same is hereby granted to file a bill of complaint herein, and that a subpoena returnable on Monday, October 10th next, be issued and served on the defendant.

The National Railroad Company of Mexico,
vs.
G. A. O'Leary.
635. Petitioner,

The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. Thomas W. Dodd, in support of the same.

American Water Works and Guarantee Company,
vs.
The City of Little Rock et al.
215. Appellant,

Appeal from the Circuit Court of the United States for the Eastern District of Arkansas.

It appearing to the Court that an authority of counsel for the appellant to dismiss this appeal has been filed, Therefore, in pursuance of said authority, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby,

112. Edward E. Bessette
vs.
W. B. Conkey Company.

The argument of this cause was concluded by Mr. William V. Rooker, of counsel for Bessette, and the cause was submitted on a printed argument by Mr. Jacob Newman, Mr. S. C. Levinson, and Mr. B. V. Beasley of counsel for W. B. Conkey Company.

194. Henry Channock,
vs. Plff in Error,
The Texas & Pacific Railway Co.

57. Jovite Cau,
vs. Plff in Error,
The Texas & Pacific Railway Co.

These cases were argued by Mr. H. S. Pridemore, of counsel for the plaintiffs in error, and Mr. Charles P. Cocke, of counsel for the defendant in error.

195. William C. Gibson,
vs. Appellant,
The United States.

212. John Lowe,
vs. Appellant,
The United States.

The argument of these cases was commenced by Mr. George A. King, of counsel for the appellant in No. 195, and continued by Mr. A. A. Hachling Jr., of counsel for the appellant in No. 212, and Mr. Assistant Attorney General Pradt, of counsel for the appellee, and concluded by Mr. William B. King, of counsel for the appellant in No. 195.

Proclamation being made the Court is adjourned

Monday April 11th, 1904.

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White, Associate
Rufus W. Peckham, Justices
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day.
John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. William F. Hoeener it is ordered that Louis A. Steber, Esquire, of St. Louis, State of Missouri, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. W. Martin it is ordered that Chambers Kellar, Esquire, of Deadwood, State of South Dakota, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Conrad A. Tyner it is ordered that R. S. Marin, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. D. Anston it is ordered that A. M. Antrobus, Esquire, of Burlington, State of Iowa, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. P. B. Jewell it is ordered that Richard N. Field, Esquire, of Kansas City, State of Missouri, be admitted to practice as an attorney and counsellor of this Court and, he was sworn accordingly.

162. Lena M. Slater, H. G. Slater, Jesse R. Slater, Annie E. Slater, and Henry G. Slater, Petitioners, v. The Mexican National Railroad Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court

by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with costs; And that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the Western District of Texas.

Per Mr. Justice Holmes.

Dissenting:
Mr. Chief Justice Fuller,
Mr. Justice Harlan and
Mr. Justice Peckham.

175. Pacific Electric Railway Company, Appellant, vs. The City of Los Angeles, C. W. Powers et al.) Appeal from the Circuit Court of the United States for the Southern District of California.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of California, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice McKenna.

379. Henry O. Houghton, Trustee, George A. Mifflin et al., Appellants, vs. Henry C. Payne, Postmaster General. Appeal from the Court of Appeals of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the District of Columbia, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Court of Appeals in this cause, be, and the same is hereby, affirmed with costs.

per Mr. Justice Brown.

Dissenting:
Mr. Justice Harlan and
Mr. Chief Justice Fuller.

1137. Ormond G. Smith, George C. Smith and Cora A. Gould, Composing the firm of Street & Smith, Appellants, vs. Henry C. Payne, Postmaster General. Appeal from the Court of Appeals of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the District of Columbia, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by

Appeals in this cause be, and the same is hereby, affirmed with costs.

(Per Mr. Justice Brown.)

Dissenting:
Mr. Justice Harlan and
Mr. Chief Justice Fuller.)

373. Bates and Guild Company, Appellant, vs. Henry C. Payne, Postmaster General. Appeal from the Court of Appeals of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the District of Columbia, and was argued by counsel. On consideration whereof, it is now here ordered, adjudged, and decreed by this Court that the decree of the said Court of Appeals in this cause be, and the same is hereby, affirmed with costs.

(Per Mr. Justice Brown.)

Dissenting:
Mr. Justice Harlan and
Mr. Chief Justice Fuller.

535. George W. Beavers, Appellant, vs. William Henkel, U.S. Marshal in and for the Southern District of New York. Appeal from the Circuit Court of the United States for the Southern District of New York.

the record from the Circuit Court of the United States for the Southern District of New York, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged and decreed by this Court that the order of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

(Per Mr. Justice Brewer.)

168. Charles L. Rowen and Samuel Evans, Petitioners, vs. Western Sand Blast Company and A. L. Brown. } On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel. On consideration whereof, the Court being equally divided in opinion, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the Northern District of Illinois.

(Per Mr. Justice Harlan.

(The Chief Justice did not sit in this case or participate in its decision.)

433. State of Minnesota, Appellant, vs. Northern Securities Company, Great Northern Railway Company, Northern Pacific Railway Company et al. Appeal from the Circuit Court of the United States for the District of Minnesota.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Minnesota, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to remand it to the State Court.

(Per Mr. Justice Harlan.)

964. The Terre Haute & Indianapolis Railroad Company, vs. Alfin Enos, The State of Indiana ex rel. William A. Ketcham, Attorney General, It is ordered by the Court that the further consideration of the motions to dismiss or affirm herein be, and the same, is hereby, postponed until the hearing of the cause on its merits.

(Per Mr. Chief Justice Fuller.)

611. Lena D. Wallon and L. N. French, Petitioners, v. The Wild Goose Mining & Trading Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

(per Mr. Chief Justice Fuller.)

614. Dexter Horton & Company, Bankers, Petitioner, v. London & San Francisco Bank, Limited. On petition for writ of Certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

(per Mr. Chief Justice Fuller.)

676. The United States of America to the use of J. Edward Chapman, Petitioner, vs. The City Trust, Safe Deposit & Security Company of Philadelphia. On petition for writ of Certiorari to the Court of Appeals of the District of Columbia.

On consideration of the petition for a writ of certiorari herein to the Court of Appeals of the District of Columbia, and of the argument of counsel in support of the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

679. The Morning Journal Association, Petitioner, vs. James A. Burke. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

631 F. Augustus Heinze, Josiah A. Prentice, and Alfred Thaw, Petitioners, v. The Butte & Boston Consol'd. Gold Mining Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

(Per Mr. Chief Justice Fuller.)

635 The National Railroad Company of Mexico, Petitioner, v. G. A. O'Leary. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel in support of the same, It is now here ordered by the Court that said petition be, and the same is hereby denied.

(Per Mr. Chief Justice Fuller.)

637. Herman R. Murray, Petitioner, vs. Isaac C. Wilson, Trustee in bankruptcy of William Thompson. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

638. J. Raymond Smith, Petitioner, vs. The Steamship "Oneida" &c., The Clyde Steamship Company, Claimant. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

631. The Nederland Life Insurance Company, Limited, Petitioner, v. Mary Meinert. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby granted.

Per Mr. Chief Justice Fuller.

632. The Great Western Mining & Manufacturing Company by L. C. Black, Receiver, Petitioner, v. Charles A. Harris et al., Executors &c. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, granted.

Per Mr. Chief Justice Fuller.

615. William K. Vanderbilt et al., Executors &c., vs. Ferdinand Eidman, U.S. Collector of Internal Revenue. On consideration of the motion to advance this cause, It is now ordered by the Court that said motion be, and the same is hereby, granted, and the cause assigned for argument on Tuesday, October 11th next, after the cases heretofore assigned for that day.

(Per Mr. Chief Justice Fuller.)

508. Phoebe R. E. E. Linton and Adolphus F. Linton, vs. Plffs in Error, Fred Meye, Michael Shriner, Ludwig Ruge et al. In Error to the Supreme Court of the State of Nebraska.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Nebraska, and on motions to dismiss or affirm which were argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

(Per Mr. Chief Justice Fuller.)

197. The United States, Appellant, vs. Richard Jones. On motion of Mr. George A. King, of counsel for the appellees, leave is hereby granted the Clerk to issue the mandates in these cases.

198. The United States, Appellant, vs. Charles N. Gildersleeve.

644. The Atlantic Lumber Co., Petitioner, vs. The L. Bucki & Son Lumber Co. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. R. A. Liggett, in support of the same, and Mr. N. Barbee and Mr. George C. Dodell, in opposition thereto.

627. Henry P. Booth, surviving partner &c., Petitioner, vs. The Norwegian Bark "Eliza Lines," &c., et al. The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. Louis S. Debney and Mr. Frederic Cunningham, in support of the same.

4, Original. The State of Missouri, Complainant, vs. The State of Illinois et al. On motion of Mr. H. T. Newcomer, of counsel for the complainant, it is ordered

herein be, and the same is hereby, extended to June 1st next.

672. The Hamburg American Steamship Company, Plff in Error, vs. Mary M. Lennan, Executrix, Defendant in Error,

The motions to dismiss or affirm in this cause were submitted to the consideration of the Court on the record and printed arguments by Mr. William Lindsay and Mr. J. Gilbert Palmer, in support of the same, and Mr. Everett P. Wheeler, in opposition thereto.

201. Richard A. Field, Appellant, vs. The Barber Asphalt Paving Co.

202. The Barber Asphalt Paving Co., Appellant, vs. Richard A. Field,

These cases were argued by Mr. Richard A. Field, in propria persona, and Mr. William C. Sarrill, of counsel for the Paving Company.

203. The St. Louis Merchants' Bridge Terminal Railway Co., Plff in Error, vs. Thomas Callaran,

This cause was argued by Mr. Robert A. Holland, Jr., of counsel for the plaintiff in error and submitted on a printed argument by Mr. William F. Warner, of counsel for the defendant in error.

Proclamation being made the Court is adjourned until

Monday, April 9th, 1900.

Pursuant to adjournment the Court met to-day at the Capitol.

Present:

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White, Associate
Rufus W. Peckham, Justices.
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Louis A. Steber it is ordered that George K. Fickeissen, Esquire, of St. Louis, State of Missouri, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. L. C. S. Blackburn it is ordered that James Henry Jeffries, Esquire, of Mt. Sterling, State of Kentucky, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

203. The St. Louis Merchants Bridge Terminal Railway Co., Plff in Error, vs. Thomas Callahan. On motion of Mr. Louis A. Goben, leave is hereby granted Counsel for the plaintiff in error to file an additional brief herein, within five days.

237. James F. Cunningham, Plff in Error, vs. Josephus Morris. In Error to the Supreme Court of the Territory of Oklahoma.

It appearing to the Court that an authority of Counsel for the plaintiff in error to dismiss the writ of error in this cause has been filed, Therefore, in pursuance of said authority, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Fuller.

216. Margaret Brewster et al, Plffs in Error, vs. John Cahill et al. This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Fred D. Beers of Counsel for the plaintiffs in error, and Mr. Thomas N. Hardin, of Counsel for the defendants in error.

201. John G. Fischer, vs. Plff in Error, The City of St. Louis. Reargument of this case was commenced by Mr. Louis A. Steber, of counsel for the plaintiff in error in case No. 201, continued by Mr. William F. Warner, of counsel for the defendant in error, and concluded by Mr. George N. Tichenor, of counsel for the plaintiff in error in No. 62.

62. Bernard Schefe, vs. Plff in Error, The City of St. Louis.

205. Harold Crowley, vs. Plff in Error, The United States. This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Richard Crowley, of counsel for the plaintiff in error, and Mr. Assistant Attorney General McReynolds, of counsel for the defendant in error.

207. Samuel M. Damon, vs. Plff in Error, The Territory of Hawaii. This cause was argued by Mr. Francis M. Hatch, of counsel for the plaintiff in error, and Mr. Lorrin Andrews, of counsel for the defendant in error.

209. Ai-Yu-Se-Mil-Kin, vs. Appellant, Philomme Smith. This cause was submitted to the consideration of the Court on

was granted Counsel to file printed briefs, on or before the 29th instant.

210. The United States ex rel. Ferdinand Kolzenburg, vs. Biff in Error, John Hay, Secretary of State, Plaintiff in error.

The argument of this cause was commenced by Mr. R. S. Thurber of counsel for the

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock noon.

Wednesday, April 3rd, 1901.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. C. F. Platt it is ordered that Bernard E. Lynch, Esquire, of New Haven, State of Connecticut, be admitted to practice as an attorney and counselor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Moses E. Clapp it is ordered that John H. Morton, Esquire, of Duluth, State of Minnesota, be admitted to practice as an attorney and counselor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A.J. Beveridge it is ordered that Williams C. Breed and Newton W. Gilbert, Esquires, of Fort Wayne, State of Indiana, be admitted to practice as attorneys and counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. C.C. Cole it is ordered that Rudolph B. Behrend, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

218. Archie Burrill, Plff in Error, vs. The State of Montana. This cause was submitted to the Consideration of the Court on the Record and printed arguments by Mr. E.C. Day, of Counsel for the plaintiff in error, and Mr. James Donovan, of Counsel for the defendant in error.

219. The Creede and Cripple Creek Mining & Milling Co., Petitioner, vs. The Uinta Tunnel Mining & Transportation Co. It is ordered by the Court that this cause be, and the same is hereby, passed temporarily.

210. The United States ex rel. Ferdinand Holzendorf, Plff in Error, vs. John Hay, Secretary of State.

The argument of this cause was concluded by Mr. R. S. Flanin, of counsel for the plaintiff in error, and the cause was submitted on a printed argument by Mr. Assistant Attorney General McReynolds, of counsel for the defendant in error, the Court not desiring to hear oral argument in behalf of.

211. Northern Pacific Railway Company, vs. Alline A. Dixon, Administratrix.

This cause was argued by Mr. A. M. Ritchie, of counsel for Dixon, Admx., and submitted on a printed argument by Mr. C. W. Bunn, Mr. Emerson Hadley, and Mr. James B. Kerr, of counsel for Northern Pacific Railway Co.

214. City and Suburban Railway Co. of Washington, Plff in Error, vs. Hedwig E. Svedberg.

The argument of this cause was commenced by Mr. R. B. Behrend, of counsel for the plaintiff in error, continued by Mr. A. A. Lipscomb and Mr. Philip Walker, of counsel for the defendant in error, and concluded by Mr. C. C. Cole, of counsel for the plaintiff in error.

215. International Postal Supply Company of New York,
vs.
Dwight H. Bruce.

The argument of this cause was commenced by Mr. Louis Marshall, of Counsel for International Postal Supply Co., of New York.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Thursday, April 14th 1904.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. A. J. Beveridge it is ordered that John G. Swing, Esquire, of Notre Dame, and George Edmond Clarke, Esquire, of South Bend, State of Indiana, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. D. Crumpacker it is ordered that Daniel E. Kelly, Esquire, of Valparaiso, State of Indiana, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Bilinational Postal Sup. ply Company of New York, vs. Dwight N. Bruce.)

The argument of this cause was continued by Mr. Louis Marshall, of counsel for International Supply Co. of New York, and Mr. William K. Richardson, of counsel for Bruce, and concluded by Mr. Louis Marshall, of counsel for Bilinational Postal Supply Co. of New York.

William Shepard et al., vs. Appellants, E. D. Barron, Treasurer &c.

The argument of this cause was commenced by Mr. David F. Pugh, of counsel for the appellants, and continued by Mr. Augustus T. Seymour, of counsel for the appellee.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Friday, April 15th, 1904.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.
John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made, the Court is opened;

On motion first made to the Court in this behalf by Mr. Henry M. Teller it is ordered that John Michael Harman, Esquire, of Colorado Springs, State of Colorado, be admitted to practice as an attorney and counselor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. H. Grosvenor it is ordered that George F. Pendleton, Esquire, of Findlay, State of Ohio, be admitted to practice as an attorney and counselor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. D. S. Alexander it is ordered that Eugene A. Rowland, Esquire, of Rome, Charles M. Hewington, Esquire, of Buffalo, and Edward M. Bassett, Esquire, of Brooklyn, State of New York, and James N. Gillett, Esquire, of Eureka, State of California, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas A. Clark it is ordered that Henry E. Naegely and Miles J. Purcell, Esquires, of Saginaw State of Michigan, and William Mason Smith, Esquire, of New York City, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. J. Bowers it is ordered that J. C. Tyson, Esquire, of Vicksburg, State of Mississippi, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

William Shepard et al., Appellants, vs. E. D. Barron, Treasurer. Argument of this Cause was Continued by Mr. Henry A. Williams

counsel for the appellee, and concluded by

Monday, April 15th, 1901, Continued.

The Creede & Cripple Creek Mining & Milling Co., Petitioner,
vs.
The Uinta Tunnel Mining & Transportation Company.

914.

The argument of this cause was commenced by Mr. Charles S. Thomas, of counsel for the petitioner, and continued by Mr. Charles J. Hughes Jr., of counsel for the respondent, and Mr. Charles S. Thomas, of counsel for the petitioner.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.
John N. Wright, Esquire, Marshal.
James A. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. J. C. McReynolds it is ordered that Thomas Lee Woolwine, Esquire, of Los Angeles, State of California, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. V. Graff it is ordered that E. A. Walker, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles A. Culbertson it is ordered that B. A. Carlton, Esquire, of Fort Worth, State of Texas, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles P. Cates Jr., it is ordered that John N. Gantz and Howard Cornick, Esquires, of Knoxville, State of Tennessee, be admitted to practice as attorneys and Counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Myer Cohen it is ordered that Lee Sale, Esquire, of St. Louis, State of Missouri, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William G. Johnson it is ordered that Alexander C. Blount, Jr., Esquire, of Pensacola, State of Florida, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

...e Delaware Indians residing ...the Cherokee Nation, ... W. ... The Cherokee Nation.) Appellants, } On this cause, it is ordered, that the decree entered at this term of this,

...nt be so modified as to insert before the ...ms "Registered Delawares" when used therein, ...e word "living," so that the same shall read, ...ving registered Delawares.

(Per Mr. Justice Day.)

The Chief Justice announced that the ...ll of the docket will be suspended on Friday ...xt 26th and that the Court will take a ...ess from Monday, May 2d to Monday, May ...h next.)

...uthern Railway ...pany, Plff in Error, } On Error to the Su- preme Court of the ... James L. Larson. } State of South Caro- lina.

...s cause came on to be heard on the transcript ...e record from the Supreme Court of the State ...South Carolina, and on motions to dismiss ...ffirm which were argued by counsel. ...consideration whereof, It is now here ordered ...nd adjudged by this Court that the judg- ...t of the said Supreme Court in this cause be, ...r the same is hereby affirmed with costs.

Per Mr. Chief Justice ...

203. The St. Louis Merchants' Bridge Terminal Railway Company, Plff in Error, vs. Thomas Callahan. In Error to the Supreme Court of the State of Missouri.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Missouri, and was argued by Counsel, On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs. Per Mr. Chief Justice Fuller.

216. Margaret Brewster, Sylvia A. Brewster, Jessie Brewster et al., Plffs in Error, vs. John D. Cahill, Cornelius J. Cahill, Michael Flaherty and Kate Cahill. In Error to the Supreme Court of the State of Illinois.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction, nunc pro tunc as of April 7, 1901. Per Mr. Chief Justice Fuller.

627.

The Hamburg American Steamship Company, Appellant in Error, vs. Mary W. Lennan, as Executrix of the last will & testament of John M. Lennan, deceased. } In Error to the Court of Appeals of the State of New York.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the State of New York, and on motions to dismiss or affirm, which were argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

Henry P. Booth, Surviving Partner of the firm of James P. Ward & Company, Petitioner, vs. The Norwegian Bark "Eliza Lines" Her Cargo &c. &c. } On petition for writ of Certiorari to the United States Circuit Court of Appeals for the First Circuit.

In consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and the argument of counsel in support of the same, It is now here ordered by the Court, that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

The Atlantic Lumber Company, Petitioner, vs. The L. Bucki & Son Lumber Company. | On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, granted.

Per Mr. Chief Justice Fuller.

Ex parte. In the matter of The United States, Petitioners. No. 16, Original. | This cause was submitted on the return to the rule to show cause on a printed argument by Mr. Solicitor General Hoyt, and Mr. Assistant Attorney General McReynolds, of counsel for the petitioners.

Ex parte. In the matter of The Republic of Colombia, Petitioners. | Mr. William G. Johnson, of counsel for the petitioner, submitted to the consideration of the Court a motion for leave to file a petition for a writ of mandamus herein

The State of Georgia, Complainant
vs.
The State of Tennessee, The Ducktown Sulphur, Copper & Iron Company, Limited, and The Pittsburg & Tennessee Copper Company.

On motion of Mr. Logan Johnson, of counsel for the complainant, It is ordered by the Court that leave be, and the same is hereby granted to file an amended bill of complaint herein making The Tennessee Copper Company a party defendant.

Per Mr. Chief Justice Fuller.

The State of Georgia, Complainant
vs.
The State of Tennessee, The Ducktown Sulphur Copper & Iron Company, Limited, The Pittsburg & Tennessee Copper Company and The Tennessee Copper Company

On motion of Mr. Logan Johnson of counsel for the Complainant, It is now here ordered by the Court that this cause be, and the same is hereby, dismissed with costs as to the defendant The State of Tennessee.

Per Mr. Chief Justice Fuller.

The State of Georgia, Complainant
vs.
The Ducktown Sulphur, Copper & Iron Company, Limited, The Pittsburg & Tennessee Copper Company and The Tennessee Copper Company

On motion of Mr. Logan Johnson of counsel for the complainant, It is now

adjudged, and decreed by this Court that the ... Supplemented Bills of Complaint herein be ... they are hereby, dismissed with costs, without ... prejudice.)

Per Mr. Chief Justice Fuller.

William A. Wright, Comptroller General &c., Petitioner,
v.
The Louisville & Nashville Railroad Co., et al.

On motion ... John C. ... of counsel ... the petition ... It is ordered ... the Court ...

this cause be, and the same is hereby, continued until the next term.)

The Board of Trade of the City of Chicago, Petitioner,
v.
Christie Grain & Stock Co., et al.

The petition for ... writ of certiorari ... herein was ... mitted to the ... sideration of ...

Court on printed arguments by Mr. Henry ... Robbins, in support of the same, and Mr. ... A. Hackley, Mr. Clifford Histed, Mr. H. K. ... Singlor, and Mr. Charles Blood Smith, in opposition thereto.

The Manhattan Life Insurance Company, Petitioner,
v.
Frank B. Albro, Executor &c.

The petition for ... writ of certiorari ... herein was ... mitted to the ... sideration of ...

Court on printed arguments by Mr. Arlemas A. Holmes and Mr. Edward S. Rapallo, in support of the same, and Mr. John W. Cummings, in opposition thereto.

The Louisville & Nashville Railroad Company, Petitioner, vs. The West Coast Naval Stores Co. 649.

The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. Alexander C. Blount, Jr., and Mr. William A. Blount, in support of the same.

Nora Armstrong, Plff in Error, vs. The Board of Control of the State Public Schools and L. A. Merrill. 236.

In Error to the Supreme Court of the State of Minnesota.

This cause having been called for hearing in its regular order, and it appearing to the Court that the parties have failed to print the transcript of the record, it is, therefore, in pursuance of the tenth Rule of this Court, now here ordered and adjudged by this Court that the writ of error in this cause be, and the same, is hereby, dismissed with costs.

Per Mr. Chief Justice Fuller.

219. The Creede and Cripple Creek Mining and Milling Co., Petitioner, v. Flagler Tunnel Mining & Transportation Co.

The argume this cause conclude Mr. Charle Thomas, of sel for the p

and leave was granted counsel on both sides file additional briefs within one week.

220. William S. Elder, as Admr &c., et al., Plffs in Error, v. The Horseshoe Mining & Milling Company, et al.

This cause submitted the consid tion of the on the re and prin

arguments by Mr. Eben H. Martin, of coun for the plaintiffs in error, and Mr. Chamb Kellar, of counsel for the defendants in e

224. The Public Clearing House, Appellant, v. F. E. Coyne, Postmaster at Chicago, Illinois.

This cause wa gued by Mr. C Sickle steel, of sel for the appe and Mr. Assist Attorney General Purdy, of counsel for the ap

227. The National Mutual Building & Loan Association of N.Y., Plff in Error, v. G. R. Farnham, Executor &c.

This cause w submitted to consideration the Court on record Mr. Jam

arguments by Mr. A. S. Bozeman and Mr. J. S. Sexton, of counsel for the plaintiff in error, and Mr. J. C. Bryson, of counsel for the defendant in error.

228. Loren M. Alewit, as Trustee &c., v. Appellant, The Berlin Machine Works. This cause was argued by Mr. Frank A. Robinson, of counsel for the appellant, and Mr. Charles M. Stamington, of counsel for the appellee.

229. Martha Raphael, Admx &c., v. Appellant, Spencer Mask et al. Reargument of this cause was commenced by Mr. Charles Locke, Easton, of counsel for the appellant.

Proclamation being made the Court is adjourned, until to-morrow at twelve o'clock.

Tuesday April 19th, 1904.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened,

On motion first made to the Court in this behalf, by Mr. West Stevens it is ordered that James S. McDonough, Esquire, of Louisville, State of Kentucky, and Thomas Franklin Athey, Esquire, of Kansas City, State of Missouri, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

284. Edward H. Anderson et al, Plffs in Error, vs. Battle Morton.

On motion of Mr. West Stevens, of Counsel for the plaintiffs in error,

It is ordered by the Court that this cause be, and

299.

233.

235.

the same is hereby, Continued until the next term, per stipulation of Counsel.

Martha Raphael, Admx. &c. Appellant, vs. Spencer Trask et al. The argument of this cause was Continued by Mr. Charles Lockwood Easton, of Counsel for the appellant, and Mr. William Mason Smith and Mr. E. M. Shepard, of Counsel for the appellees, and concluded by Mr. Charles Lockwood Easton, of Counsel for the appellant.

Louis A. Knepper, vs. John A. Sands. This cause was argued by Mr. John A. King, of Counsel for Sands, and submitted on a printed argument by Mr. I. S. Stubble, of Counsel for Knepper.

Andrew J. Davis, vs. Hiram R. Mills et al. The argument of this cause was commenced by Mr. John A. Shelton, of Counsel for Davis, and Continued by Mr. William Waldo Hyde, of Counsel for Mills et al.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Wednesday, April 20th, 1904.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened,

On motion first made to the Court in this behalf by Mr. M. P. Kinkaid it is ordered that John Reese, Esquire, of Broken Bow, State of Nebraska, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

941 The New York and Porto Rico Steamship Company, Plff in Error, v. J. Ochoa y Hermano, a mercantile Society composed of Antonio Perez, Jose Ochoa, Victor Ochoa and Silvero Ochoa, } In Error to the District Court of the United States for the District of Porto Rico.

This cause having been called to the attention of the

942

954

Court by Mr. James A. Hayden, of counsel for the plaintiff in error, and he having moved the Court to dismiss the writ of error in this cause, Therefore, in pursuance of said motion, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby dismissed with costs.

Per Mr. Chief Justice Fuller.

The New York and Porto Rico Steamship Company, Plff in Error, vs. Successors of M. Lomba & Company, a mercantile society composed of Manuel Lomba, Jose M. Signo y Neda, Jose Pineiro and Jose M. Lomba. In Error to the District Court of the United States for the District of Porto Rico.

This cause having been called to the attention of the Court by Mr. James A. Hayden, of counsel for the plaintiffs in error, and he having moved the Court to dismiss the writ of error in this cause, Therefore, in pursuance of said motion, It is, now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby dismissed with costs.

Per Mr. Chief Justice Fuller.

Ewing Pattison et al., Appellants, vs. John Y. Hewitt et al. It is ordered by the Court that this cause

Wednesday, April 20th, 1904, Contin

hereby, continued until the next term, f
lation of counsel.)

225. Andrew J. Davis, vs. Hiram R. Mills et al.

The argument
cause was con
by Mr. Charles
of counsel for
Mr. John A. She
ted, and concluded by
counsel for Davis.

238. Solomon L. Swarts, Trustee, vs. L. F. Hammer, Jr., Collector &c. Appellant,

This cause
argued b
Le Sale, o
sel for the
lant, and Mr. Herbert R. Marlatt, of co
for the appellee.)

239. The Sun Printing and Publishing Association, vs. Charles William Edwards.

This cause
argued by
Franklin B
of counsel fo
Sun Printing
Publishing Association, and Mr. Thomas
of counsel for Charles William Edwards.

Proclamation being made the Court is adjourn
until tomorrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.
John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Hoyt it is ordered that Charles P. Sherman, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Henry Butler it is ordered that Lucius A. Beers, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. N. Robeson it is ordered that

Dodd, Esquire, of New York City, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William B. Humphrey it is ordered that John W. Roberts, Esquire, of Seattle, State of Washington, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Miller Outcalt it is ordered that Alfred C. Cassatt, Esquire, of Cincinnati, State of Ohio, and Richard P. Ernst, Esquire, of Covington, State of Kentucky, be admitted to practice as attorneys and Counsellors of this Court and they were sworn accordingly.

306. Lydia Bradley, Plff in Error, vs. N. W. Lightcap.

343. Lydia Bradley, Appellant, vs. N. W. Lightcap.

On motion of Mr. John S. Miller, of counsel for the plaintiff in error and appellant, It is ordered that these cases be, and the same are hereby, advanced and assigned for argument with case No. 243 as one case.

250. The St. Louis Mining & Milling Co., et al., Appellants, v. The Montana Mining Company, Limited.

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. E. W. Toole and Mr. Thomas C. Bach, of counsel for the appellants, and Mr. W. S. Cullen, of counsel for the appellee.

251. Charles Weil and Security Safe Deposit & Trust Company, Plff. in Error, v. Emanuel W. Bloomingdale, as Assignee of the Partnership Property of the Copartnership of M. A. & D. Bettman, et al.

In Error to the Supreme Court of the State of Washington.

This cause having been called for hearing in its regular order, and it appearing to the Court that the parties have failed to print the transcript of the record, It is, therefore, in pursuance of the tenth rule of this Court, now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Fuller.

313. Lydia Bradley, Aff'in Error, vs. N. W. Lightcap,
306. Lydia Bradley, Aff'in Error, vs. N. W. Lightcap,
313. Lydia Bradley, Appellant, vs. N. W. Lightcap.

These cases were argued by Mr. John S. Miller, of counsel for the plaintiff in error and appellant, and Mr. E. A. Wallace and Mr. George W. Wall, of counsel for the defendant in error and appellee.

2414. Thomas E. Kepner, Aff'in Error, vs. The United States,
583. Fred L. Dorr et al., Aff'in Error, vs. The United States,
584. Secundino Mendezona y Mendezona, Aff'in Error, vs. The United States.

The argument of these cases was commenced by Mr. Charles H. Aldrich, of counsel for Kepner.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Friday, April 22d, 1904.

Pursuant to adjournment the Court met
day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.
John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf
by Mr. A. R. Seven it is ordered that Otto K.
Droege and J. Lawrence Friedmann, Esquires,
of New York City, be admitted to practice as
Attorneys and Counsellors of this Court and
they were sworn accordingly.

The Northern Pacific Rail-
way Company,
Appellant,
vs.
The American Trading Co.

It is ordered by
the Court that this
cause be, and the
same is hereby,
continued until
the next term, per stipulation of Counsel.

Friday, April 24, 1903.

944. Thomas E. Kepner, Plff in Error, v. The Un
783. Fred L. Dorr et al., Plffs in Error, v. The Un
584. Secundino Mendezona y Mendezona, Plff in Error, v.

The argument of these cases was
by Mr. Charles A. Aldrich, of Counsel
Mr. L. R. Wilfley and Mr. Solicitor
Hoyt, of Counsel for the defendant in
Mr. Charles A. Aldrich, of Counsel f
and concluded by Mr. L. R. Wilfley
for the defendant in error in No. 58

Charles A. Shaw, Trustee, et al., Appellants, vs. The City of Covington et al.

946. The ar
this c
Coun
Mr. W

Calt, of Counsel for the appellants

Proclamation being made the Court is ad
until Monday next at twelve o'clock

Pursuant to adjournment the Court met to-day at the Capitol.

(Present:

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made, the Court is opened.

On motion first made to the Court in this behalf by Mr. Everett P. Wheeler it is ordered that Charles E. Haight, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederic D. McKenney it is ordered that Charles P. Warwick, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alfred J. Carr it is ordered that Lawrence G. Goodhart, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly. 195.

On motion first made to the Court in this behalf by Mr. Seymour C. Loomis it is ordered that Edwin A. Jones, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly

On motion first made to the Court in this behalf by Mr. John O'Neill it is ordered that Susan C. O'Neill of Waterbury, State of Connecticut be admitted to practice as an attorney and counsellor of this Court and she was sworn accordingly. 212.

On motion first made to the Court in this behalf by Mr. C. C. Cole it is ordered that Charles P. Sherman, Esquire, of New Haven, State of Connecticut, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John A. Mitchell it is ordered that William P. Kiggs, Esquire, of Seattle, State of Washington, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

William C. Gibson, Appellant
vs. } Appeal from the
The United States. } Court of Claims.

This cause came on to be heard on the transcript of the record from the Court of Claims, and was argued by Counsel. On consideration whereof, it is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause be, and the same is hereby affirmed.

Per Mr. Justice Day.

(Mr. Justice Brewer took no part in the consideration or decision of this case.)

John Lowe, Appellant
vs. } Appeal from the
The United States. } Court of Claims.

This cause came on to be heard on the transcript of the record from the Court of Claims, and was argued by Counsel. On consideration whereof, it is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause be, and the same is hereby affirmed.

Per Mr. Justice Day.

(Mr. Justice Brewer took no part in the consideration or decision of this case.)

207. Samuel M. Damon, Plff in Error, vs. The Territory of Hawaii. In Error to the Supreme Court of the Territory of Hawaii.

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory of Hawaii, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court with directions to reverse the judgment of the Circuit Court and to remand the cause to that Court with directions to grant a new trial.

Per Mr. Justice Holmes.

189. 541. The United States, Petitioner, vs. Singleck or King Do et al thirty-one others. On writ of Certiorari to the United States Circuit Court of Appeals for the Second Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, reversed, and that the order of the

Circuit Court of the United States for the Northern District of New York be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court.

Per Mr. Justice Holmes.

Dissenting:
Mr. Justice Brewer and
Mr. Justice Peckham.

William H. Jones, John Hill and Edgar Poe Lee, Plffs in Error, vs. Andrew J. Montague, Governor of Virginia, et al. } On Error to the Circuit Court of the United States for the Eastern District of Virginia.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Virginia, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed without costs to either party.

Per Mr. Justice Brewer.

190. William D. Selden, William A. Anderson and Clarence B. Gilpin, v. Andrew J. Montague, Governor of Virginia, et al. Appellants, Appeal from the Circuit Court of the United States for the Eastern District of Virginia.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Virginia, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed, without costs to either party.

Per Mr. Justice Brewer.

357. W. S. Kirby v. American Soda Fountain Company. Appeal from the Circuit Court of the United States for the Northern District of Texas.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Texas, and on motions to dismiss or affirm which were argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs, and interest until paid, at the same rate per annum that similar decrees bear in the Courts of the State of Texas.

Ex parte. In the Matter of The Republic of Colombia, Petitioner. — On consideration of the motion for leave to file a petition for a writ of mandamus herein, it is now here ordered by the Court that said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Fuller.

Ex parte In the Matter of The Republic of Colombia, Petitioner. — On consideration of the petition of The Republic of Colombia, it is now here ordered by this Court that cause be shown by the Circuit Court of the United States for the Northern District of West Virginia before this Court, at the City of Washington, on Monday, May 16th, 1904, at twelve o'clock noon of that day, or as soon thereafter as counsel can be heard, why a writ of mandamus should not be granted as prayed in said petition.

Per Mr. Chief Justice Fuller.

The Manhattan Life Insurance Company, Petitioner, v. Frank B. Alvord, Executor of Daniel Gilligan, deceased. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

On consideration of the petiti

Certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of Counsel thereupon had, as well in Support of as against the same, It is now hereordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

614. The Board of Trade of the City of Chicago, Petitioner, vs. Christie Grain and Stock Company and C. C. Christie. On petition for writ of Certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

227.

On consideration of the petition for a writ of Certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of Counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, granted.

Per Mr. Chief Justice Fuller.

614. The Louisville & Nashville Railroad Company, Petitioner, vs. The West Coast Naval Stores Company. On petition for writ of Certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

573.

On consideration of the petition for a writ of Certiorari herein to the United States Circuit Court of

Appeals for the Fifth Circuit, and of the argument of Counsel in support of the same, It is now here ordered by the Court that said petition be, and the same is hereby, granted.

Per Mr. Chief Justice Fuller.

The National Mutual Building and Loan Association of New York, (Aff'd in Error)

vs.

G. R. Farnham, Executor of the estate of J. F. Betts, deceased.

In Error to the Supreme Court of the State of Mississippi.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Mississippi, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed, with costs, and interest until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Mississippi.

Per Mr. Chief Justice Fuller.

Hannah O'Callaghan et al., Appellants,

vs.

Prence O'Brien, Admr, et al.

The motion to dismiss in this cause was submitted to the consideration of the

Hays, in support of the same, and leave granted. Counsel to file briefs within ten

593. Hannah Callaghan et al., Appellants
vs.
Terence O'Brien, Administratrix, et al.

The petition a writ of herein w mitted to sideration of the Court by Mr. James B. in support of the same, and leave wa Counsel to file briefs in opposition there two weeks.

241. The New York & Porto Rico Steamship Co., Plff in Error,
vs.
J. Ochoa y Hermano &c.

On motion Frederic D. of counsel fo defendants leave is hereb ed the Clerk the mandat these cases

249. The New York & Porto Rico Steamship Co., Plff in Error,
vs.
Successors of M. Lombard &c.

371. M. N. Courtney, Appellant,
vs.
Louis A. Pradt, Executor &c., et al.

The motion dismiss a cause was mitted to sideration of the Court on the record and b arguments by Mr. Louis A. Pradt and Mr Brandenburg, in support of the same, an Alexander Pope Humphrey, in opposition

644. William A. Hanley et al., vs. The United States. Petitioners. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Joel M. Mayo, in support of the same, and Mr. Solicitor General Hoyt, in opposition thereto.

184. Delbert B. Gray, vs. The Union Casualty and Surety Company. Petitioner, Mr. Charles P. Warwick, of counsel for the petitioner submitted to the consideration of the Court a motion to reinstate this petition for a writ of certiorari on the docket.

647. John Sebeck, vs. Plattdeutsche Volksfest Verein. Petitioner, The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Clarence P. Moser, in support of the same, and Mr. Rudolph F. Rabe, in opposition thereto.

376. Globe-Wernicke Company, vs. Fred Macey et al. Petitioner, The petition for a writ of certiorari herein was submitted to the consideration of the Court [illegible] Mr. E. C.

and Mr. Arthur A. Denison in sup
the same, and Mr. Fred L. Chappe
opposition thereto.

Ex parte. In the Matter of
The Christensen Engineering
Company, Petitioner.
(Original.)

This ca
submitte
consider
the Court
leave to a
show cause on printed arguments by
Jenner, of Counsel for the petitioner, an
Frederic R. Betts, of Counsel for the resp

Charles A. Shaw Trustee, et al,
vs. Appellants,
946. The City of Covington et al,

The ca
of this
contin
Mr. M
Outcalt, of Counsel for the appellants,
F. J. Hamlon, of Counsel for the appelle
Concluded by Mr. Alfred C. Cassatt, o
for the appellants.

Nippolite Filhiol et al,
vs. Affs in Error,
252. George A. Torney.

This cau
submitte
consider
the Court
Record and printed arguments by M
A. Miller, Mr. James K. Jones, Mr. J. H.
and Mr. William F. Vilas, of Counsel f
plaintiffs in error, and Mr. Solicitor Ge
Hoyt, Mr. M. C. Burch, and Mr. Robert A. K

of Counsel for the defendant in error.)

247. Richard C. Crawford et al, Plffs in Error, vs. John E. Burke. The argument of this cause was commenced by Mr. George Peckam

of Counsel for the plaintiffs in error.)

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Thursday, April 26th, 1900.

Pursuant to adjournment the Court met to-day at the Capitol.

Present:

The Honorable Melville W. Fuller, Chief Justice,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. James M. Gillett it is ordered that Theodore A. Bell, Esquire, of Napa, State of California, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. O. Bacon it is ordered that William G. Brantley, Esquire, of Brunswick, State of Georgia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf

by Mr. C. K. Offield it is ordered that Philip B. Adams, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

652. Luther, Ray Stevens, Appellant vs. The United States

On motion of Mr. A. A. Hoehling, Jr., of Counsel for the appelant, It is ordered by the Court that this cause be, and the same is hereby, advanced and assigned for hearing with Case No. 355 accordingly.

546. Southern Railway Co. Plff in Error vs. James L. Carson

On motion of Mr. J. Athens Johnson of Counsel for the defendant in error, leave is hereby granted the Clerk to issue the mandate in this cause.

255. The City of Cleveland, Appellant, vs. The Cleveland City Railway Co.

256. The City of Cleveland, Appellant, vs. The Cleveland Electric Railway Co.

Mr. W. B. Sanders, of Counsel for the appellees, submitted to the consideration of the Court a motion to continue these cases until the next term, which was opposed by Counsel for the appelant. Whereupon, It is now here ordered by the Court that said motion be, and the same is hereby denied.

268. John D. Hooker
v. Plff in Error,
John Dunn et al.

This cause was submitted to the consideration of the Court on the record, and printed arguments by Mr. J. S. Chapman, of counsel for the plaintiff in error, and Mr. W. H. Anderson, of counsel for the defendant in error.

247. Richard C. Crawford et al.,
v. Plff in Error,
John E. Burke.

The argument of this cause was continued by Mr. John E. Burke, in propria persona, and concluded by Mr. Charles E. Ironman, of counsel for the plaintiffs in error.

278. The Farmers' Loan & Trust Company, Trustee,
v. Petitioner,
The Lake Street Elevated Railroad Company.

Mr. I. K. Boyesen and Mr. William Burry, of counsel for the petitioner, submitted to the consideration of the Court a stipulation of counsel and suggestion as to dismissal.

269. The Berlin Iron Bridge Co.,
v. Plff in Error,
William Brennan.

This cause was argued by Mr. Seymour C. Loomis, of counsel for the plaintiff in error, and Mr. William Kennedy and Mr. John O'Neill, of counsel for the defendant in error.

253. Hanks Dental Association, vs. International Tooth Crown Co.

This cause was argued by Mr. Philo B. Adams and Mr. C. K. Offield, of Counsel for the Hanks Dental Association, and was submitted on a printed argument by Mr. Walter D. Edmonds, of Counsel for the International Tooth Crown Association.

255. The City of Cleveland, Appellant, vs. The Cleveland City Railway Co.

256. The City of Cleveland, Appellant, vs. The Cleveland Electric Railway Co.

The argument of these cases was commenced by Mr. Newton D. Baker of Counsel for the appellant

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Wednesday April 27th. 1904.

Pursuant to adjournment the Court met today at the Capitol.

Present:

The Honorable Melville W. Fuller, Chief Justice,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna
Oliver Wendell Holmes,
William R. Day.
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. H. Bourke Cockran it is ordered that George J. Gillespie, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Henry Butler it is ordered that William Miller Collier, Esquire, of Auburn, State of New York, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

255. The City of Cleveland, Appellant, v. The Cleveland City Railway Co.
256. The City of Cleveland, Appellant, v. The Cleveland Electric Railway Co.

Reargument of these cases was continued by Mr. Newton D. Baker, of counsel for the appellant, and Mr. W. B. Sanders, of counsel for the appellees, and concluded by Mr. D. C. Westenhaver, of counsel for the appellant.

260. August A. Busch, Adolphus Busch, E. A. Faust and W. M. Mayle, Appellants, v. G. R. Webb, E. R. Long, James Moreland, C. B. Fisher, and W. J. Rich.

Appeal from the Circuit Court of the United States for the Eastern District of [illegible]

It appearing to the Court that counsel for the appellants is authority to dismiss this appeal has been filed, Therefore, in pursuance of said authority, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed, with costs.

Per Mr. Chief Justice Fuller.

270. The United States, Plff in Error, v. The S. P. Shotter Co.

It is ordered by the Court that this cause be, and the same is hereby, [illegible]

until the next term per stipulation of counsel.

258. Charles B. Kimball et al, Appellants, vs. The Chicago Hydraulic Press Brick Co., et al.)

The argument of this cause was commenced by Mr. Edmund Harvey Shalley, of Counsel for the appellants, continued by Mr. Edward Cunningham, Jr., of Counsel for the appellees, and Mr. Edmund Harvey Shalley, of Counsel for the appellants.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
} Associate Justices

John N. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Frank L. Campbell it is ordered that Guy C. H. Corliss, Esquire, of Grand Forks, State of North Dakota, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. K. Grosvenor it is ordered that John Poe, Esquire, of Findlay, State of Ohio, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

51. Jose Antonio Fernandez y Perez, vs. Plff in Error,
Jose Perez y Fernandez:

On motion of Frederic D. M... ney, of counsel for the defen... in error, It is ordered by the Court that this ca... be passed temporarily.

966. C. E. Wynn Johnson & al. vs. Plff in Error,
James M. Shoup, U.S. Marshal &c.

This cause ... submitted to ... consideration ... the Court ... record and printed argument by Mr. S. M... Stockslager and Mr. George C. Heard, of coun... for the plaintiff in error, and Mr. Assistant Attorney General Purdy, of Counsel for the d... fendant in error, and leave was grante... Counsel for the plaintiff in error to file a reply brief within one week.

151. Ribas y Hijo, Appellant, vs. The United States.

This cause was sub... mitted to the consid... ation of the Court o... the record and printe... arguments by Mr. Charles M. Boarman, of cou... sel for the appellant, and Mr. Assistant Attorn... General McReynolds, of Counsel for the appell...

258. Charles B. Kimball et al., Appellants, vs. The Chicago Hydraulic Press Brick Co. et al.

The argument of th... cause was con... cluded by Mr. ... Edmund Hanve...

Smalley, of counsel for the appellants.

261. Merritt Chandler, Appellant, vs. Roscoe L. Dix, Auditor General &c., et al. The argument of this cause was commenced by Mr. John A. McKay, of counsel for the appellant, continued by Mr. John A. Goff, of counsel for the appellees, and concluded by Mr. George H. Headock, of counsel for the appellant.

269. State of Ohio on the relation of John Lloyd, vs. Auditor in Error, Joseph B. Dollison, Sheriff &c. The argument of this cause was commenced by Mr. Frank S. Monnett, of counsel for the plaintiff in error, and continued by Mr. W. B. Wheeler, of counsel for the defendant in error.

Proclamation being made, the Court is adjourned until tomorrow at twelve o'clock.

Friday, April 29th, 1892.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Frank L. Campbell it is ordered that F. Dumont Smith, Esquire, of Kinsley, State of Kansas, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Myer Cohen it is ordered that Bruce Cornwall, Esquire, of San Francisco, State of California, be admitted to practice as attorney and Counsellor of this Court and he was sworn accordingly.

The State of Kansas, ex rel. Complainant, vs. The State of Colorado et al. Defendants. (On motion of Mr. S. Dillon Smith, of counsel for the complainant, leave is hereby granted to file the answer of The State of Kansas to the intervention of The United States herein.)

Edwin F. Morris et al., Appellants, vs. Ethan A. Hitchcock et al. (This cause was submitted to the consideration of the Court on the printed argument by Mr. J. N. Jackson and Mr. F. L. Siddons, of counsel for the appellants, and Mr. Assistant Attorney General Campbell and Mr. A. C. Campbell, of counsel for the appellees.)

The City of Seattle, Appellant, vs. Daniel Kelleher, Admr &c. (Ordered by the Court that this cause be, and the same is hereby continued until the next term, per stipulation of counsel.)

C. O. Johnson, Appellant, vs. Pullman Southern Pacific Co. (Ordered by the Court that this cause be, and the same is hereby continued until the next term, per stipulation of counsel.)

Monday, April 9th, 1900, Continued.

State of Ohio on the Relation of John Lloyd, Plff in Error,
767. vs.
Joseph B. Dawson, Sheriff &c.

The argument of this cause was continued by Mr. W. B. Wheeler, of counsel for the defendant in error, and concluded by Mr. Frank S. Monnett, of counsel for the plaintiff in error.

Jose Antonio Fernandez y Perez, Plff in Error,
51. vs.
Jose Perez y Fernandez.

This cause was argued by Mr. James E. Harlan, of counsel for the plaintiff in error, and Mr. Frederic D. McKenney, of counsel for the defendant in error.

The Terre Haute & Indianapolis Railroad Company, Plff in Error,
764. vs.
The State of Indiana ex rel. William A. Ketcham, Attorney General,

Plaintiff in error.

The argument this cause was commenced by Mr. Lawrence Maxwell, Jr., of counsel for the

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday, May 21, 1900.

Pursuant to adjournment the Court met to-day at the Capitol.

Present:

The Honorable Melville W. Fuller, Chief Justice
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened;

On motion first made to the Court in this behalf by Mr. E. W. Spalding it is ordered that Harry J. Sauerle, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Myer Cohen it is ordered that Joseph Hirsh, Esquire, of Vicksburg, State of Mississippi, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Willard Kingsley it is ordered that Morse Cree, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Kearney it is ordered that Azro E. Cheney, Esquire, of Reno, State of Nevada, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

229. Martha Raphael, Administratrix of the estate of Nathaniel W. Raphael, deceased, Appellant, vs. Spencer Trask, George Foster Peabody, Edwin M. Bulkley et al. Appeal from the Circuit Court of the United States for the Southern District of New York.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York, and it was argued by counsel. On consideration whereof, it is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Day.

185.

220.

The Missouri, Kansas & Texas Railway Company of Texas, Plff in Error, vs. Clay May. } In Error to the County Court of Bell County, State of Texas.

This cause came on to be heard on the transcript of the record from the County Court of Bell County, State of Texas, and was argued by counsel, On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said County Court in this cause be, and the same is hereby, affirmed with costs, and interest until paid, at the same rate per annum that similar judgments bear in the Courts of the State of Texas.

Per Mr. Justice Holmes.

Mr. Justice Brewer concurs in the judgment.

Dissenting:
Mr. Justice Brown,
Mr. Justice White and
Mr. Justice McKenna.

William S. Elder, as Administrator &c. Estate of Rufus Wilson, deceased, Elizabeth Wilson, et al., Plffs in Error, vs. The Horseshoe Mining and Milling Company et al. } In Error to the Supreme Court of the State of South Dakota.

This cause came on to be heard on the transcript of the record from the Supreme Court of the

of South Dakota, and was argued by Counsel.
On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with Costs.

Per Mr. Justice Peckham.

230. Robert L. West and Jorge, J. Kline, Plffs in Error, vs. The State of Louisiana. } In Error to the Supreme Court of the State of Louisiana.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Louisiana, and was argued by Counsel.
On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed, with Costs.

Per Mr. Justice Peckham.

Dissenting:
Mr. Justice Harlan.

76. N. Chesebrough et al, owners and Claimants of the Ship Dreynois, Petitioners, vs. Matthew Bridges. } On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of

Appeals for the Ninth Circuit, and was argued by
Counsel. On consideration whereof, It is now here
ordered, adjudged, and decreed by this Court that
the decree of the said United States Circuit Court of
Appeals in this cause be, and the same is hereby,
affirmed with costs; and that this cause be, and
the same is hereby remanded to the District Court
of the United States for the Northern District of Cal-
ifornia.

(Per Mr. Justice Brown.)

The Clipper Mining Company, Plff. in Error, vs. The Eli Mining and Land Company, Def. in Error. In Error to the Supreme Court of the State of Colorado.

D. Sears, F. C. Schroeder, A. F. Hilton, and H. J. Hall, for Plff. in Error.

This cause came on to be heard on the transcript of record from the Supreme Court of the State of Colorado, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

(Per Mr. Justice Brewer.)

Dissenting:
Mr. Chief Justice Fuller and
Mr. Justice White

The St. Louis Mining & Milling Company of Montana and William Mayger, Appellants, vs. The Montana Mining Company, Limited. } Appeal from the United States Circuit Court of Appeals for the Ninth Circuit.

95 C.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the District of Montana.

Per Mr. Justice Brewer.

563

City and Suburban Railway Company of Washington, Plff in Error, vs. Hedwig E. Svedberg. } In Error to the Court of Appeals of the District of Columbia.

211.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the District of Columbia, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Appeals in this cause be, and the

16, Orig

same is hereby affirmed with costs.

(Per Mr. Justice Harlan.)

Dissenting:
Mr. Justice White and
Mr. Justice McKenna.

Henry C. Pettit, United States Marshal for the District of Indiana, Appellant, v. Thomas Natcher. Appeal from the Circuit Court of the United States for the District of Indiana.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Indiana, and was argued by counsel. On consideration whereof, It is now ordered, adjudged, and decreed by this Court that the order of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

(Per Mr. Justice Harlan.)

Ex parte In the matter of The United States, Petitioner, On consideration of the petition for a writ of mandamus herein, the returns to the rule to show cause, and of the argument of counsel, It is now here ordered by the Court that the petitioner is entitled to the writ of mandamus as prayed in said petition.

(Per Mr. Chief Justice Fuller.)

Delbert B. Gray,
184. v. Petitioners,
The Union Casualty and Surety Co.

On consideration of the motion to reinstate the petition for a writ of certiorari

It is now here ordered by the Court that the motion be, and the same is hereby, denied.

Per Mr. Chief Justice, etc.

Globe-Wernicke Company,
326. v. Petitioner
Fred Macey and Charles W. Matheson, doing business as Fred Macey Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same,

It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice, etc.

William H. Hanley et al.,
614. v. Petitioners,
The United States.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument

set thereupon had, as well in support of as against the same, & it is nowhere ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

647. John Sebeck, vs. Petitioner, Plattdeutsche Volksfest Verein. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of Counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

554. Rufus Binyon, vs. Plaintiff in Error, The United States. Mr. Assistant Attorney General Purdy, of Counsel for the defendant in error, submitted to the Consideration of the Court a motion to advance this cause.

591. The United States, vs. Petitioner, Sing Tuck or King Do et al. On motion of Mr. Assistant Attorney General Purdy leave is hereby granted the Clerk to issue the mandate in this cause

665. Helen Hackley Littell, Petitioner, v. Charles A. Hackley et al. The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. Morse Ives, in support of the same, and leave was granted. Counsel for the respondent to file brief in opposition thereto on or before Friday next.

315. Sallie Field Scott et al., Appellants, vs. Lizzie W. Carew et al. Mr. George N. Lamar, of counsel for the appellants, suggested the death of Samuel Y. Finley, one of the appellees herein, and moved the Court for an order, under the 15th rule, to make the proper representatives parties; Whereupon, It is now here ordered by the Court that unless the proper representatives of the said Samuel Y. Finley, deceased, as aforesaid, shall voluntarily become parties within the first ten days of the ensuing term of this Court, the appellants shall be entitled to open the record and on hearing have the decree reversed, if it be erroneous: Provided, however, That a copy of this order shall be printed in some newspaper of general circulation in the State of Florida for three successive weeks, at least sixty days before the beginning of the term of the Supreme Court then next ensuing.

(Per Mr. Chief Justice Fuller.)

661. W. L. Wells Company, Petitioner vs. Gastonia Cotton Manufacturing Company. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Joseph Hirsh, Mr. Charles W. Tillett and Mr. Murray F. Smith, in support of the same, and Mr. Charles Price, in opposition thereto.

550. James Stillman, Appellant vs. C. B. Combe, Independent Executor &c., et al. Mr. Charles A. Culberson, in behalf of counsel for the appellee, submitted to the consideration of the Court a motion to advance this cause.

666. William J. Brooke, Admr &c., Petitioner vs. N. A. Allison. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. James E. Padgett, Mr. A. Bisbee, and Mr. George C. Bedell, in support of the same, and Mr. C. D. Pinchart, in opposition thereto.

55. John T. New, Plff in Error, vs. The Territory of Oklahoma. Mr. John J. Breed, of counsel for the plaintiff in error submitted to the consideration of the Court a motion to

this cause.

578. Stella N. Dimmick, Appellant, vs. John W. Tompkins, Warden, etc.

Mr. George A. King, in behalf of Counsel for the Appellant, submitted to the consideration of the Court a motion to advance this cause.

664. Westinghouse Electric and Manufacturing Company, Petitioner, vs. Bullock Electric Manufacturing Company.

The petition for a writ of certiorari herein was submitted to the consideration of the Court on a printed argument by Mr. Drury W. Cooper, Mr. Frederic A. Betts, and Mr. Thomas B. Kerr, in support of the same, and leave was granted Counsel for the respondent to file a brief in opposition thereto on or before Friday next.

662. John E. Kerr et al., Petitioners, vs. The Union Marine Insurance Company, Limited.

The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Wilhelmus Mynderse, in support of the same, and Mr. Albert A. Wray, in opposition thereto.

7, Original. The State of Kansas, Complainant, v. The State of Colorado et al. Defendants.

The motion to dismiss the bill of complaint herein was submitted to the consideration of the Court on printed arguments by Mr. Hatt Rogers, Mr. John F. Shafroth, Mr. Frank E. Gregg, Mr. W. Goodale, Mr. D. C. Beaman, Mr. C. E. Gast, and Mr. F. A. Sabin, in support of the same, and Mr. C. C. Coleman, Mr. M. N. Loomis, Mr. T. Dunnant Smith, and Mr. D. S. Ashbaugh, in opposition thereto.

264. The Terre Haute & Indianapolis Railroad Company, Plaintiff in Error, v. The State of Indiana ex rel. William A. Ketcham, (Money Loaned.)

Reargument of this cause was continued by Mr. Lawrence Maxwell, Jr., of counsel for the plaintiff in error, and Mr. R. S. Taylor and Mr. William A. Ketcham, of counsel for the defendant in error, and concluded by Mr. John G. Williams, of counsel for the plaintiff in error.

Proclamation being made the Court is adjourned until Monday the 16th instant at twelve o'clock.

Monday, May 16th, 1904.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.
John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Milton A. Purdy it is ordered that Marcel A. Viti, Esquire, of Philadelphia, State of Pennsylvania, and Edward C. Pitcher and William F. Abbott, Esquires, of Chicago, State of Illinois, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Louis A. Pradt it is ordered that Irwin W. Schultz, Esquire, of Phillipsburg, State of New Jersey, and Henry R. Platt, Esquire, of Chicago,

neys and Counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. W. Dudley it is ordered that Horace B. Hord, Esquire, of New York City; Fremont Wood, Esquire, of Boise City, State of Idaho, and Isaac Hart, Esquire, of Johnson City, State of Tennessee, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. H. Robeson it is ordered that John E. Dolman and Kendall B. Randolph, Esquires of St. Joseph, State of Missouri, be admitted to practice as attorneys and Counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas H. Clark it is ordered that Edward M. Cleary, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter D. Davidge, it is ordered that William S. Hodges, Esquire, of Washington, District of Columbia, be admitted to practice, as an attorney and Counsellor of this Court

On motion first made to the Court in this behalf by Mr. James A. Hayden it is ordered that Egra P. Axtell, Esquire, of Jacksonville, State of Florida, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. R. F. Downing it is ordered that F. C. Northup, Esquire, of Marshalltown, State of Iowa, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George A. King it is ordered that Robert F. Quisenberry, Esquire of Danville, State of Kentucky, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

235. Andrew J. Davis, vs. Hiram R. Mills and Clarence C. Frost. On a certificate from the United States Circuit Court of Appeals for the Second Circuit.

This cause came on to be heard on a certificate from the United States Circuit Court of Appeals for the Second Circuit, and was argued by Counsel. On consideration whereof, It is the opinion of this Court that the question certified must be

now here ordered by this Court that it be so certified, to the said United States Circuit Court of Appeals.

Per Mr. Justice Holmes.

57. Jovite Caux vs. The Texas and Pacific Railway Company. } In Error to the United States Circuit Court of Appeals for the Fifth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with costs; And that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the Eastern District of Louisiana.

Per Mr. Justice McKenna.

194. Henry Shamock, vs. The Texas & Pacific Railway Company. } In Error to the United States Circuit Court of Appeals for the Fifth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued

Were ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the Eastern District of Louisiana.

Per Mr. Justice McKenna.

238. Solomon L. Swarts, Trustee in bankruptcy of Siegel-Hillman Dry Goods Company, Appellant, v. L. F. Hammerle, Collector of the Revenues of the City of St. Louis, Missouri. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Missouri.

Per Mr. Justice McKenna.

262. The State of Ohio on the relation of John Lloyd, v. Joseph B. Dollison, Sheriff of Guernsey County, Ohio. (Affirm Error) In Error to the Supreme Court of the State of Ohio.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Ohio, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

(per Mr. Justice McKenna.)

209. Ng. Yu-Dse-Mil-Kin, Appellant, v. Philomine Smith, Appeal from the United States Circuit Court of Appeals for the Ninth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with costs. And that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the District of Oregon.

763. John D. Hooker, Plff in Error, vs. John Burr, A. W. Rhodes, and W. A. Hammel. In Error to the Supreme Court of the State of California.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of California, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Peckham.

560. The United States, Appellant, vs. Frank Y. Anderson and William J. Cameron, Trustees &c., and The Alabama State Land Company. Appeal from the Court of Claims.

This cause came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause be, and the same is hereby, affirmed.

Per Mr. Justice White,

Edwin S. Morris, Edlan, B. Blanton, William G. Maxwell et al, Appellants,
v.
Ethan A. Hitchcock, William A. Jones, J. George Wright, and J. Blair Stoenfelt.

272.

Appeal from the Court of Appeals of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the District of Columbia, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Court of Appeals in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice White.

The United States ex relatione Ferdinand Holzendorf, Plff in Error,
v.
John Hay, Secretary of State.

210.

In Error to the Court of Appeals of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the District of Columbia, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Justice White.

The Sun Printing and Publishing Association
vs.
Charles William Edwards.

On a certificate from the United States Circuit Court of Appeals for the Second Circuit.

(234)

This cause came on to be heard on a certificate from the United States Circuit Court of Appeals for the Second Circuit, and was argued by Counsel. On consideration whereof, It is the opinion of this Court that the question certified must be answered in the affirmative. Whereupon, It is now here ordered by this Court that it be so certified to the said United States Circuit Court of Appeals.

(per Mr. Justice White.)

Dissenting:
Mr. Justice Harlan and
Mr. Justice Peckham.

John L. Fischer,
vs. Plff in Error,
The City of St. Louis.

In Error to the Supreme Court of the State of Missouri.

(204)

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Missouri, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with Costs.

(per Mr. Justice Brown.)

62. Bernard Schefe, Plaintiff in Error, vs. The City of St. Louis. In Error to the Supreme Court of the State of Missouri.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Missouri, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Brown.

142. Edward E. Bessette, vs. W. B. Conkey Company. On a certificate from the United States Circuit Court of Appeals for the Seventh Circuit.

This cause came on to be heard on a certificate from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel. On consideration whereof, It is the opinion of this Court that the second and fourth questions certified must be answered in the affirmative and the third in the negative. Whereupon, It is now here ordered by this Court that it be so certified to the said United States Circuit Court of Appeals.

Per Mr. Justice Brown.

Hippolite Fiehiol, Francis J. Watts, Harriet L. Watkins et al, (Appellants in Error,
vs.
George A. Torney.)

252. In Error to the Circuit Court of the United States for the Eastern District of Arkansas.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Arkansas, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Brewer.

Northern Pacific Railway Company,
vs.
Alline A. Dixon, Administratrix of the estate of Chauncey A. Dixon, deceased.)

211. On a certificate from the United States Circuit Court of Appeals for the Eighth Circuit.

This cause came on to be heard on a certificate from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel. On consideration whereof, It is the opinion of this Court that the questions certified must be answered as follows: First. The telegraph operator was, under the circumstances described, a fellow-servant of the fireman. Second. The negligence of the telegraph operator

was the negligence of a fellow-servant of the fireman, the risk of which the latter assumed.)
Whereupon, It is now here ordered by this Court that it be so certified to the said United States Circuit Court of Appeals.

(Per Mr. Justice Brewer.)

Dissenting:
Mr. Justice White,
Mr. Chief Justice Fuller,
Mr. Justice Harlan and
Mr. Justice McKenna.)

151. Ribas y Hijo, Appellant, vs. The United States. Appeal from the District Court of the United States for the District of Porto Rico.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of Porto Rico, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

(Per Mr. Justice Harlan.)

Monday, May 16th, 1892. Continued.

228. Loren M. Hewitt as Trustee in bankruptcy of Clara E. Kellogg, vs. The Berlin Machine Works, Appellant. Appeal from the United States Circuit Court of Appeals for the Second Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of New York.

Per Mr. Chief Justice Fuller.

253. Hanks Dental Association, vs. International Tooth Crown Company. On a certificate from the United States Circuit Court of Appeals for the Second Circuit.

This cause came on to be heard on a certificate from the United States Circuit Court of Appeals for the Second Circuit, and was argued by Counsel. On consideration whereof, It is the opinion of this Court that the question certified must be answered in the negative. Whereupon, It is now here ordered by this Court that it be so certified to the said United States Circuit Court of Appeals.

Per Mr. Chief Justice Fuller.

565. Plymouth Cordage Company, A. D. Kelly, Newton Wagon Company and Maggie O'Brien, vs. J. A. Smith and Clinton F. Irwin, Judge. On a certificate from the United States Circuit Court of Appeals for the Eighth Circuit.

This cause came on to be heard on a certificate from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel. On consideration whereof, It is the opinion of this Court that the question certified must be answered in the affirmative. Whereupon, It is now here ordered by this Court that it be so certified to the said United States Circuit Court of Appeals.

Per Mr. Chief Justice Fuller.

561. The United States ex rel. John Turner, vs. William Williams, United States Commissioner of Immigration for the Port of New York. Appellant, Appeal from the Circuit Court of the United States for the Southern District of New York.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the

Court in this cause be, and the same is hereby affirmed with costs.

Per Mr. Chief Justice Fuller.

The Berlin Iron Bridge Company, Plff in Error, vs. William Brennan. In Error to the Supreme Court of Errors of the State of Connecticut.

No. 246.

This cause came on to be heard on the transcript of the record from the Supreme Court of Errors of the State of Connecticut, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

Charles B. Kimball, and Libbie A. Kimball, Appellants, vs. The Chicago Hydraulic Press Brick Company et al. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit.

No. 258.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same

is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

State of Louisiana, Complainant,
11, Original. vs.
State of Mississippi.

It appearing to the Court that A. A. Longino, Esq., who was heretofore, to wit, on March 1st, 1904, appointed a Commissioner for the purpose of taking the testimony herein and reporting the same to the Court, has declined to serve as such Commissioner, now, on suggestion of counsel for the defendant, It is ordered by the Court that William D. Bullard, Esq., of Scranton, Mississippi, be, and he is hereby, appointed a Commissioner in the place of said A. A. Longino, Esq.

Per Mr. Chief Justice Fuller.

The State of Kansas, Complainant,
7, Original. vs.
The State of Colorado et al.

It is ordered by the Court that the further consideration of the motion to dismiss herein be, and the same is hereby, postponed until the hearing of the cause on its merits.

Per Mr. Chief Justice Fuller.

371. M. N. Courtney, Appellant, vs. Louis A. Pradt, Executor, et al. It is ordered by the Court that the further consideration of the motion to dismiss herein be, and the same is hereby, postponed until the hearing of the cause on its merits.

(Per Mr. Chief Justice Fuller.)

550. James Stillman, Appellant, vs. C. B. Combe, Independent Executor &c., et al. On consideration of the motion to advance this cause, It is now here ordered by the Court that said motion be, and the same is hereby, granted, the cause to be submitted on printed briefs, pursuant to Rule 32.

(Per Mr. Chief Justice Fuller.)

528. Walter N. Dimmick, Appellant, vs. John W. Tompkins, Warden &c. On consideration of the motion to advance this cause, It is now here ordered by the Court that said motion be, and the same is hereby, granted, the case to be submitted on printed briefs.

(Per Mr. Chief Justice Fuller.)

554. Rufus Bingon, Appellant, vs. Griffin Smor. The United States. On consideration of the motion to advance this cause, It is now here ordered by

by the Court that said motion be, and the same is hereby, granted, and the cause assigned for argument on Tuesday, October 11th, next, after the cases heretofore assigned for that day.

Per Mr. Chief Justice Fuller.

650. John D. New, Plff in Error, v. The Territory of Oklahoma. On consideration of the motion to advance this cause, it is now here ordered by the Court that the said motion be, and the same is hereby, granted, and the cause assigned for argument on Tuesday, October 11th next, after the cases heretofore assigned for that day.

Per Mr. Chief Justice Fuller.

593. Hannah O'Callaghan et al, Appellants, v. Pierce O'Brien, Admr. &c. et al. It is ordered by the Court that the further consideration of the petition for a writ of certiorari herein be, and the same is hereby, postponed until all of the briefs on the motion to dismiss the appeal shall have been filed and submitted to the Court.

Per Mr. Chief Justice Fuller.

662. John E. Kerr et al., Petitioners, vs. The Union Marine Insurance Company, Limited. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon heard, as well in support of as against the same, It is now here ordered by the Court that the said petition be, and the same is hereby, denied.

(Per Mr. Chief Justice Fuller.)

665. Helen Hackley Littell, Petitioner, vs. Charles A. Hackley et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon heard, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

(Per Mr. Chief Justice Fuller.)

William J. Drake, as Administrator of the estate of Gerard, & Drake, deceased,
666. vs. (Petitioner,
N. A. Callison.)

(Petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.)

(In consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of Counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be and the same is, hereby, denied.

Per Mr. Chief Justice Fuller.)

The Chief Justice announced that the Court will adjourn for the term on Tuesday the 31st. instant.)

Ex parte In the Matter of
The United States,
16, Original. (Petitioner.)

(Motion of Mr. Assistant Attorney General Purdy, of Counsel for the petitioner, leave is hereby granted to withdraw the original exhibits herein.)

The United States,
571. vs. (Appellant,
John Smith.)

Mr. Assistant Attorney General Purdy, of Counsel for the appellant submitted, to the consideration of the

this cause.)

659. Samuel M. Alyatt, vs. The United States. Mr. Assistant Attorney General Purdy, of counsel for The United States, submitted to the consideration of the Court a motion to advance this cause.

7 Original. The State of Kansas, Complainant, vs. The State of Colorado et al, The United States Intervenor. } In Equity.

This cause coming on to be heard on the application of the parties, duly appearing by their counsel, for the appointment of a special commissioner to take testimony herein, and their stipulation in regard to the same heretofore filed by leave, said application and stipulation having been duly considered,

It is ordered that Granville A. Richardson, a member of this bar and a resident of the Territory of New Mexico, be, and he is hereby, appointed a commissioner to take and return the testimony in this cause, with the powers of a master in chancery as provided in the rules of this Court; but said commissioner shall not make any findings of fact or state any conclusions of law.

It is further ordered, That the taking of testimony on complainant's behalf shall begin on

or before the fifteenth day of July, A.D. 1904 at such place as Counsel for complainant may designate ten days notice thereof to be given to Counsel for defendants and for the United States respectively and shall be concluded on or before the fifteenth day of September, A.D. 1904, and that the taking of the testimony on behalf of the defendants shall commence on or before the first day of October A.D. 1904, and be concluded on or before the first day of February A.D. 1905, ten days notice of the place where such testimony will be taken being given to Counsel for Complainant and to the Counsel for the United States.

That the taking of testimony on behalf of the United States as intervenor shall commence on or before the fifteenth day of February, A.D. 1905, and be concluded on or before the fifteenth day of March, A.D. 1905, ten days notice of the place where such testimony will be taken being given to Counsel for complainant and defendants respectively.

That testimony in rebuttal shall then be taken, five days notice of the place being given, and shall be concluded on or before the fifteenth day of April, A.D. 1905, on which day the taking of testimony in the cause shall be closed.

Said Commissioner shall report to the Court the testimony taken by him without

all convenient speed, and shall receive, as agreed by the parties, fifteen dollars per day for his compensation, and his actual expenses, an itemized statement of which shall accompany his report.

A stenographer, or stenographers to take and transcribe the testimony may be employed by agreement of the parties, the compensation for whose services shall be reported by the Commissioner to be taxed in the costs.

(per Mr. Chief Justice Fuller.

673. Andrew L. Eaton, Petitioner, v. C. J. Lucia. The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. John A. Hazelton and Mr. George C. Hazelton Jr., in support of the same.)

528. Walter N. Dimmick, Appellant, v. John H. Tompkins, Warden &c. This cause was submitted to the consideration of the Court on the record and printed argument by Mr. George D. Collins, of counsel for the appellant, and Mr. Solicitor General Hoyt, of counsel for the appellee.)

Carrie M. Hard,
vs. Plff in Error,
The Cleveland Trust Co. et al, Mr. James R. Garfield, Counsel for the defendants in error, submitted to the consideration of the Court a motion to docket and dismiss this cause pursuant to the 6th rule.

700. Edward D. Campbell, as Ancillary Receiver &c,
vs. Petitioner,
The National Broadway Bank. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. George W. Wickersham, in support of the same, and Mr. William J. Curtis, in opposition thereto.

671. Roy M. Arrighi
vs. Petitioner,
The Denver & Rio Grande Railroad Company. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Harvey Riddell, in support of the same, and Mr. Edward O. Wolcott, and Mr. Joel F. Vaile, in opposition thereto.

699. The California Reduction Co, et al,
vs. Petitioners,
The Sanitary Reduction Works of San Francisco. The petition for a writ of certiorari herein was submitted to the con

Court on a printed argument by Mr. Charles Page, Mr. E. M. McCutchon, and Mr. Garret W. McEnerney, in support of the same, and leave was granted, counsel for the respondent to file a printed brief in opposition thereto within ten days.

705. Kimball Steamship Co., Petitioner, vs. Ella M. Weisshaar, Admx &c. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Edward M. Cleary, in support of the same, and Mr. N. A. Acker, in opposition thereto.

685. The Fidelity Mutual Life Insurance Co., Petitioner, vs. Paul Riggs & Eugene De Hart, Executors &c.

686. The Northwestern National Life Insurance Co., Petitioner, vs. Paul Riggs & Eugene De Hart, Executors &c.

687. The American Central Life Insurance Company, Petitioner, vs. Paul Riggs & Eugene De Hart, Executors &c.

688. The Hartford Life Insurance Co., Petitioner, vs. Paul Riggs & Eugene De Hart, Executors &c.

The petitions for writs of certiorari herein were submitted to the consideration of the Court on printed arguments by Mr. John C. Dolman and Mr. Stephen S. Brown, in support of the same, and Mr. Kendall B. Randolph, in opposition thereto.

The Insurance Company of North America,
681. vs. Petitioner,
The Norwich & New York Transportation Co.

The Security Insurance Company of New Haven, Petitioner,
682. vs.
The Norwich & New York Transportation Co.

The Fireman's Fund Insurance Company of San Francisco,
683. vs. Petitioner,
The Norwich & New York Transportation Co.

Percy Chubb et al,
684. vs. Petitioners,
The Norwich & New York Transportation Co.

The petition for writs of certiorari, herein was submitted to the consideration of the Court on printed arguments by Mr. Lawrence Kneel and, in support of the same, and Mr. Wilhelmus Mynderse, in opposition thereof.

John C. Fetzer et al, Receivers &c,
697. vs. Petitioners
David A. Kohn et al.

John C. Fetzer et al, Receivers &c,
698. vs. Petitioners
Jacob Miller et al.

The petitions for writs of certiorari, herein were submitted to the consideration of the Court on a printed argument by Mr. Charles H. Aldrich, Mr. John D. Miller, and Mr. Henry Crawford, in support of the same, and leave was granted

file a printed argument in opposition thereto within three days.

701. U. A. Allison, Petitioner, v. William J. Brady, Admr &c. The petition for a writ of certiorari, herein was submitted to the consideration of the Court on printed arguments by Mr. S. P. Axtell and Mr. C. D. Rinehart, in support of the same, and Mr. H. Bisbee and Mr. George C. Bedell, in opposition thereto.

1, Original. The State of New Jersey, Complainant, v. The State of Delaware. On motion of Mr. George H. Bates, of counsel for the defendant, It is ordered by the Court that the time for taking the testimony herein be, and the same is hereby extended to the first Monday in January 1905.

663. The Mexican Central Railway Company, Limited, Petitioner, v. A. A. Robinson. The petition for a writ of certiorari, herein was submitted to the consideration of the Court on printed arguments by Mr. Alexander Britton, Mr. A. B. Browne, and Mr. Eben Richards, in support of the same, and Mr. Millard Patterson, in opposition thereto.

680. The City of Johnson City, Tennessee, Petitioner, v. Municipal Trust Company, Limited. The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. Isaac Parr and Mr. A. H. Carr, in support of the same.

692. The World Marine Insurance Co, Limited, et al., Petitioners, v. The Lackawanna Transportation Co, et al. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Wilhelmus Mynderse, in support of the same, and Mr. John G. Milburn and Mr. Harvey D. Goulder, in opposition thereto.

694. Insurance Company of North America, Petitioner, v. Steamship "Westminster," David Petrie, Claimant. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Horace L. Cheyney and Mr. John F. Lewis, in support of the same, and Mr. J. Parker Kerlin, in opposition thereto, and leave was granted to file

three days.

The State of South Dakota, Complainant, vs. The State of North Carolina et al. On motion of Mr. James E. Shepherd, of Counsel for The State of North Carolina, leave is hereby granted to file a petition for rehearing herein on or before the first day of the next term.

S. Original.

Proclamation being made the Court is adjourned until Tuesday the 31st instant at twelve o'clock.

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Oliver Wendell Holmes,
William R. Day,
} Associate Justices

John N. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Hoyt it is ordered that Eugene A. Byrnes, Esquire of Washington, District of Columbia, be admitted to practice as an attorney and counselor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Louis A. Pradt it is ordered that George Xavier McLanahan, Esquire, of Buffalo, State of New York, be admitted to practice as an attorney and counselor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. D. K. Watson it is ordered that Milton Strasburger, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. M. Thurston it is ordered that Charles Cook, Esquire, of Honolulu, Territory of Hawaii, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William E. Ambrose it is ordered that Albert W. Buddress, Esquire, of Port Townsend, State of Washington, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. D. W. Baker it is ordered that Philip Tindall, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James A. Hayden it is ordered that Royal E. Burnham, Esquire, of Washington,

District of Columbia, and Robert Fitch Shepard, Esquire, of Washington, District of Columbia, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas A. Clark it is ordered that Gordon D. Hughes, Esquire, of New York City, John A. Brown and Martin Howard Ives, Esquires, of Chicago, State of Illinois, and Charles D. Fullen, Esquire, of Ottumwa, State of Iowa, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

201. Richard N. Field, Appellant, vs. The Barber Asphalt Paving Co. } Appeals from the Circuit Court of the United States for the Western District of Missouri.

202. The Barber Asphalt Paving Co., Appellant, vs. Richard N. Field. }

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western District of Missouri, on appeal and cross appeal, and was argued by counsel. On consideration whereof, it is now here ordered, adjudged, and decreed by this Court that so much of the decree of the said Circuit

cause be adjudged the tax bills on Wyandotte Street to be void be, and the same is hereby, reversed, and the decree as to the other streets be, and the same is hereby, affirmed, Costs in this Court to be paid by the Complainant; And that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to dismiss the bill.

Per Mr. Justice Day.

584.

944. Thomas E. Kepner, Plff in Error, v. The United States. In Error to the Supreme Court of the Philippine Islands.

This cause came on to be heard on the transcript of the record from the Supreme Court of the Philippine Islands, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Supreme Court with directions to discharge the prisoner.

Per Mr. Justice Day.

583.

Dissenting:
Mr. Justice Brown,
Mr. Justice Holmes,
Mr. Justice White, and
Mr. Justice McKenna.

Secundino Mendezona,
by Mendezona)
vs. } In Error to the Supreme Court of the
The United States. } Philippine Islands.

This cause came on to be heard on the transcript of the record from the Supreme Court of the Philippine Islands, and was argued by counsel. On consideration whereof it is now ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Supreme Court with directions to discharge the prisoner.

Per Mr. Justice Day.

Dissenting:
Mr. Justice Brown,
Mr. Justice White,
Mr. Justice McKenna, and
Mr. Justice Holmes.

Fred L. Dorr and Edward O'Brien,
vs. } In Error to the Supreme Court of the Philippine Islands.
The United States.

This cause came on to be heard on the transcript of the record from the Supreme Court of the Philippine Islands, and

Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Day.

Mr. Justice Peckham, Mr. Chief Justice Fuller, and Mr. Justice Brewer concur in the result.

Mr. Justice Harlan dissents.

International Postal Supply Company of New York, vs. Dwight A. Bruce.

On a certificate from the United States Circuit Court of Appeals for the Second Circuit.

215.

This cause came on to be heard on a certificate from the United States Circuit Court of Appeals for the Second Circuit, and was argued by Counsel. On consideration whereof, It is the opinion of this Court that the question certified must be answered in the negative. Whereupon, It is now here ordered by this Court that it be so certified to the said United States Circuit Court of Appeals.

Per Mr. Justice Holmes.

Dissenting:
Mr. Justice Harlan and
Mr. Justice Peckham.

Charles N. Shaw, Trustee, The Union Light, Heat & Power Co, and The Suburban Electric Co, Appellants
vs.
The City of Covington et al.

Appeal from the Circuit Court of the United States, for the Eastern District of Kentucky.

No. 246.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Kentucky, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Holmes.

Dissenting:
Mr. Justice White.

Merritt Chandler, Appellant,
vs.
Rosecoe D. Dix, Auditor General of the State of Michigan, et al.

Appeal from the Circuit Court of the United States for the Eastern District of Michigan.

No. 261.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Michigan, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court

cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Holmes

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964. The Terre Haute & Indianapolis Railroad Company, Plff in Error, vs. The State of Indiana ex rel. William A. Ketcham, Attorney General. In Error to the Supreme Court of the State of Indiana.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Indiana, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the judgment of this Court.

Per Mr. Justice Holmes.

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218. Archie Burnett, Plff in Error, vs. The State of Montana. In Error to the Supreme Court of the State of Montana.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State

consideration whereof, It is now here ordered, and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice McKenna.
(announced by Mr. Chief Justice Fuller.)

217. William Shepard, Charles McLeish, Thomas McLeish, and Joseph Bush, Appellants, vs. O. E. D. Barron, Treasurer of Franklin County, Ohio. Appeal from the Circuit Court of the United States for the Southern District of Ohio.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Ohio, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, affirmed, with costs.

Per Mr. Justice Peckham.

528. Walter N. Dimmick, Appellant, vs. John H. Tompkins, Warden of the State Prison of the State of California at San Quentin. Appeal from the Circuit Court of the United States for the Northern District of California.

of the record from the Circuit Court of the United States for the Northern District of California, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the order of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Peckham.

255. The City of Cleveland, Appellant vs. The Cleveland City Railway Company. } Appeal from the Circuit Court of the United States for the Northern District of Ohio.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Ohio, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice White.

(Mr. Justice Harlan took no part in the decision of this case.)

256. The City of Cleveland, Appellant, vs. The Cleveland Electric Railway Company. Appeal from the Circuit Court of the United States for the Northern District of Ohio.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Ohio, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice White.

(Mr. Justice Harlan took no part in the decision of this case.)

301. Leo N. McCray, Plaintiff in Error, vs. The United States. On Error to the District Court of the United States for the Southern District of Ohio.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of Ohio, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice White.

Dissenting:
Mr. Chief Justice Fuller,
Mr. Justice Brown and
Mr. Justice Peckham.

9 Pet. The Public Clearing House, Appellant, v. F. E. Coyne, as Postmaster of the City of Chicago, in the State of Illinois. Appeal from the Circuit Court of the United States for the Northern District of Illinois.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Brown.

(Mr. Justice Brewer, Mr. Justice White and Mr. Justice Holmes concur in the result.)

Mr. Justice Peckham dissents.

196. Joseph R. Binns, Plff in Error, v. The United States. In Error to the District Court of the United States for the District of Alaska.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of Alaska, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Brewer.

(Mr. Justice Harlan took no part in the decision of this case.)

766. C. E. Wynn-Johnson, Plff in Error, vs. James M. Shoup, United States Marshal for the District of Alaska. In Error to the District Court of the United States for the District of Alaska.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of Alaska, and was argued by counsel. On consideration whereof it is now here ordered and adjudged by this Court that the judgment of the said District Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Brewer.

(Mr. Justice Harlan took no part in the decision of this case.)

777. Frederick J. Schick, Plff in Error, vs. The United States. In Error to the District Court of the United States for the Northern District of Illinois.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Illinois, and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this Court that the judgment of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Brewer,

Dissenting: Mr. Chief Justice Fuller, Mr. Justice Brown, Mr. Justice Peckham and Mr. Justice Harlan.

293. William Broadwell, Plff in Error, vs. The United States. In Error to the District Court of the United States for the Northern District of Illinois.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Illinois, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said District Court in this cause be, and the same is hereby, Affirmed.

(per Mr. Justice Brewer.)

Dissenting:
Mr. Chief Justice Fuller,
Mr. Justice Brown,
Mr. Justice Peckham and
Mr. Justice Harlan.)

293. Elmira Knepper, vs. John A. Sands. On a certificate from the United States Circuit Court of Appeals for the Eighth Circuit.

This cause came on to be heard on a certificate from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by Counsel. On consideration whereof, It is the opinion of this Court that the second question certified must be answered in the negative. Whereupon, It is now here ordered by this Court that it be so certified to the said United States Circuit Court of Appeals.

Per Mr. Justice Harlan.

205. Harold Crowley, Plff in Err. vs. The United States. In Error to the District Court of the United States for the District of Porto Rico.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of Porto Rico, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said District Court in this cause be and the same is hereby reversed; and that this cause be, and the same is hereby, remanded to the said District Court with directions to overrule the demurrer to the plea in abatement, and for such further proceedings as may be consistent with law.

(Per Mr. Justice Harlan.

(Mr. Justice McKenna concurs in the result.)

Mr. Justice White dissents.

Ex parte In the matter of The Christensen Engineering Company, Petitioners. (15, Original.)

On consideration of the petition for a writ of mandamus herein, the return to the rule to show cause, and the argument of counsel thereupon had, It is now here ordered by the Court that the petitioner is entitled to the writ of mandamus as prayed.

(Per Mr. Chief Justice Fuller.

Lydia Bradley, Plff in Error,
vs.
N. W. Lightcap.

No. 943. In Error to the Supreme Court of the State of Illinois.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Chief Justice Fuller.

Lydia Bradley, Plff in Error,
vs.
N. W. Lightcap.

No. 306. In Error to the Supreme Court of the State of Illinois.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this

Court in the case of Bradley vs. Lightcap No. 343.
(per Mr. Chief Justice Fuller)

343. Lydia Bradley, Appellant, vs. N. W. Lightcap. Appeal from the Circuit Court of the United States for the Northern District of Illinois.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

(per Mr. Chief Justice Fuller)

34. Andrew J. Aikens, Plff in Error, vs. The State of Wisconsin.
35. Albert Nuegin, Plff in Error, vs. The State of Wisconsin.
36. Melvin A. Hoyt, Plff in Error, vs. The State of Wisconsin.

It is ordered by the Court that these cases be, and they are hereby, restored to the docket for reargument.

(per Mr. Chief Justice Fuller)

571. The United States, Appellant, vs. John Smith. On consideration of the motion to advance this cause, It is now here ordered by the Court that said motion be, and the same is

argument on Monday, December 5th, 1904.
Per Mr. Chief Justice Fuller.

659. Samuel M. Clyatt, v. The United States. On consideration of the motion to advance this cause, It is now here ordered by the Court that said motion be, and the same is hereby, granted, and the cause assigned for argument on Monday, December 5th, 1904, after the cases heretofore assigned for that day.
Per Mr. Chief Justice Fuller.

661. W. L. Wells Company, Petitioner, v. Gastonia Cotton Manufacturing Company. On petition for a writ of Certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of Counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby granted.
Per Mr. Chief Justice Fuller.

699. The California Reduction Company et al, Petitioners, vs. The Sanitary Reduction Works of San Francisco. On petition for writ of Certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel in support of the same, It is now here ordered by the Court that said petition be, and the same is hereby, granted.

Per Mr. Chief Justice Fuller.

663. The Mexican Central Railway Company, Limited, Petitioner, vs. A. A. Robinson. On petition for writ of Certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby denied.

Per Mr. Chief Justice Fuller.

664. Westinghouse Electric and Manufacturing Company, Petitioner, v. Bullock Electric Manufacturing Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

671. Roy M. Arrighi, Petitioner, v. The Denver & Rio Grande Railroad Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

673. Andrew L. Eaton, Petitioner, vs. E. J. Lewis. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel in support of the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

680. City of Johnson City, Tennessee, Petitioner, vs. Municipal Trust Company, Limited. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

Monday, May 31st, 1897. Continued.

681. The Insurance Company of North America, Petitioner, vs. The Norwich & New York Transportation Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

687. The Security Insurance Company of New Haven, Petitioner, vs. The Norwich & New York Transportation Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

On consideration of the petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

683. The Fireman's Fund Insurance Company of San Francisco, Petitioner, v. The Norwich & New York Transportation Company. } On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

684. Percy Chubb et al., Petitioners, v. The Norwich & New York Transportation Company. } On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

685. The Fidelity Mutual Life Insurance Company, Petitioner, vs. Paul Riggs and Eugene DeHart, Executors of Eber B. Roloson, deceased.) On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

686. The Northwestern National Life Insurance Company, Petitioner, vs. Paul Riggs and Eugene DeHart, Executors of Eber B. Roloson, deceased.) On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

687. The American Central Life Insurance Company, Petitioner, vs. Paul Riggs and Eugene DeHart, Executors of Eber B. Roloson, deceased. On petition for writ of Certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

688. The Hartford Life Insurance Company, Petitioner, vs. Paul Riggs and Eugene DeHart, Executors of Eber B. Roloson, deceased. On petition for writ of Certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fu

692. World Marine Insurance Company, Limited, et al, Petitioners, v. The Lackawanna Transportation Company et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

694. Insurance Company of North America, Petitioner, v. Steamship "Westminster," David Petrie, Claimant. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

697.

698.

John C. Fetzer, Henry A. Blair and Marshall E. Simpsall, as Receivers of The North Chicago Street Railroad Company et al, Petitioners, vs. David A. Kohn et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

In consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

(per Mr. Chief Justice Fuller.)

John C. Fetzer, Henry A. Blair and Marshall E. Simpsall, as Receivers of The West Chicago Street Railroad Company et al, Petitioners, vs. Jacob Miller et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

In consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby denied.

(per Mr. Chief Justice Fuller.)

700. Edward S. Campbell, as Ancillary Receiver of The Middlesex County Bank, Petitioner, v. The National Broadway Bank. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

701. N. A. Callison, Petitioner, v. William J. Drake, Administrator of the estate of Gerard N. Drake, deceased. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

Kimball Steamship Company, Petitioner, vs. Alda M. Weisshaar, Administratrix of Louis G. Weisshaar, deceased, } On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

In consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and the argument of counsel thereupon had, as well in support of as against the same, it is now here ordered by the Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

Jennie M. Ward, Plff in Error, vs. The Cleveland Trust Company et al. } Mr. James Rudolph Garfield, plaintiff in error, having filed in open Court the following certificate, to wit:

" Supreme Court of Ohio.

Jennie M. Ward, Plaintiff in Error, vs. The Cleveland Trust Company, Henrietta Koehl, William P. Koehl and Huff Brothers & Rust, a partnership doing business in Ohio. } Error to the Circuit Court of Cuyahoga County.

Clerk of the Supreme Court of Ohio, do hereby certify that in the case pending in this Court on a petition in Error as No. 7919, wherein Carrie M. Ward was plaintiff in error and The Cleveland Trust Company, Kennilla Keehl, William R. Keehl, and Duff Brothers & Burk, a partnership doing business in Ohio, were defendants in error, a final judgment was rendered by the said Supreme Court of Ohio on the nineteenth day of May, in the year 1903, in favor of the said defendants in error and against the said plaintiff in error, and that the said Carrie M. Ward had sued out and had allowed a writ of error from the aforesaid judgment of the Supreme Court of Ohio to the Supreme Court of the United States, which writ of error was issued and allowed on the 17th day of November, in the year 1903 returnable on the 19th day of January in the year 1904, and that a citation thereon was duly issued, bearing date the tenth day of December in the year 1903; that on December sixteenth, 1903, plaintiff in error was given thirty days additional time to perfect appeal, and that on December 22d, 1903, entry of appearance of the Cleveland Trust Company was filed.

Witness my hand and the seal of said Supreme Court at Columbus, Ohio, this second day of May, A.D. 1904.

(Seal)

Lawson E. Emerson
Clerk of Supreme Court of Ohio.

moved the Court to docket and dismiss this cause pursuant to the 9th Rule; And it appearing to the Court that the plaintiff in error has failed to cause said cause filed and docketed in conformity with the rules of this Court. It is therefore ordered and adjudged by this Court that the writ of error in this cause to the Supreme Court of the State of Ohio be, and the same is hereby, docketed and dismissed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court to be proceeded in according to law and justice.

(per Mr. Chief Justice Fuller.)

Order.

Whereas J. C. Bancroft Davis, the former Reporter of this Court, resigned his office on September 11th, 1902, to take effect at once, which resignation was accepted, and whereas Charles Henry Butler was appointed this successor December 11, 1902, and was charged by the Order appointing him with the duty of reporting all the decisions of October Term 1902, and has accordingly reported all decisions delivered prior to December 11, and October Term 1902, it is

Ordered, That the order of December 11, 1902, appointing Charles Henry Butler Reporter of this Court be given effect nunc pro tunc as of the first day of October Term, to wit, October 13, 1902.

Orders.

Ordered, That the Clerk of this Court be, and is hereby, authorized and directed to procure a new seal for the Court. Said seal shall have the arms of the United States with these words in the margin "Seal of the Supreme Court of the United States" engraved on a circular piece of steel not exceeding two and one-fourth inches in diameter.

Per Mr. Chief Justice Fuller.

722. The United States, Appellant, vs. The Harvey Steel Co. Mr. Solicitor General Hoyt, of counsel for the appellant, submitted to the consideration of the Court a motion to advance the cause.

724. The Atlantic, Gulf & Pacific Company, Plff in Error, vs. The United States. Mr. Solicitor General Hoyt, of counsel for the defendant in error, having filed in open Court the following certificate, to wit:

"District Court of the United States,
For the Northern District of California.

I, George E. Morse, Clerk of the District Court of the United States for the Northern District of California, do hereby certify that in a certain cause pending in said Court wherein The United States of America was plaintiff, and Atlantic, Gulf

and Pacific Company was defendant, a final judgment was rendered by said Court on the 13th day of December, A.D. 1901, in favor of the said United States, and against the said Atlantic, Gulf and Pacific Company, and that on the 10th day of December A.D. 1903, said Atlantic Gulf and Pacific Company sued out a writ of error to the Supreme Court of the United States directed to remove said cause to the Supreme Court of the United States.

In testimony whereof I hereunto subscribe my name, and affix the seal of said District Court at the City and County of San Francisco, this 16th day of May, A.D. 1904.

(Seal)

Geo. E. Morse, Clerk.

"moved the Court to docket and dismiss this cause pursuant to the 9th rule; and it appearing to the Court that the plaintiff in error has failed to have its cause filed and docketed in conformity with the rules of this Court, it is now here ordered and adjudged by this Court that the writ of error in this cause to the District Court of the United States for the Northern District of California be, and the same is hereby, docketed and dismissed; and that this cause be, and the same is hereby, remanded to the said District Court to be proceeded in according to law and justice.

Per Mr. Chief Justice Fuller.

744. Thomas E. Kepner, Plff in Error, v. The United States.

Mr. Solicitor General Hoyt, of counsel for the defendant in error, submitted to the consideration of the Court a motion for leave to submit a petition for rehearing in these cases.

584. Secundino Mendezona y Mendezona, Plff in Error, v. The United States.

211. Northern Pacific Railway Co., vs. Alline A. Dixon, Admix &c.

Mr. J. M. Dale, in behalf of Counsel for Dixon, Admix &c., submitted to the consideration of the Court a motion for leave to submit a petition for rehearing in this cause.

659. Samuel M. Clyatt, v. The United States.

Mr. H. G. Henderson, in behalf of Counsel for Clyatt, submitted to the consideration of the Court a motion for a writ of certiorari to bring up the entire record and cause.

723. John T. Andrews, v. Chicago & Northwestern Railway Company, Petitioner,

The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. A. C.

Spinker, in support of the same, and Mr. James
. Davis, in opposition thereto.

William A. Flannery et al, Petitioners,
v.
Isaac B. Lewis.

The petition for a writ of certiorari herein was submitted

the consideration of the Court on printed
guments by Mr. LeRoy S. Gove, Mr. James
Macklin, and Mr. R. D. Benedict, in sup-
ort of the same, and Mr. Norbert Green,
opposition thereto.

Aetna Insurance Co.,
v. Petitioner,
Isaac B. Lewis.

The petition for a writ of certiorari herein was submitted to the con-

deration of the Court on printed arguments
Mr. LeRoy S. Gove, in support of the same
nd Mr. Norbert Green, in opposition thereto.

James F. Curley et al,
v. Petitioners,
he United States.

The petition for a writ of certiorari herein was submitted to the

sideration of the Court by Mr. A. U.
plin, in support of the same.

Pettendorf Metals Co.,
v. Petitioner
Little Metal Wheel Co.

The petition for a writ of certiorari

mitted to the consideration of the Court by Mr. James S. Harlan, in support of the same.)

677. Henry C. Booth, Surviving Partner &c., (Petitioner,) vs. The Norwegian Bark "Eliza Lines" &c., (et al.,) (The petition for a cross-writ of certiorari herein was submitted, to the consideration of the Court by Mr. Edward S. Dodge and Mr. Frederic Dodge, in support of the same.)

727. The L. A. Kinsey Co., et al., (Petitioners,) vs. The Board of Trade of the City of Chicago. (The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. Charles D. Fuller, Mr. John A. Brown and Mr. Jacob J. Kern, in support of the same.)

715. The Western Union Telegraph Company, (Petitioner,) vs. Charles J. Swan.) (The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. N. M. Low and Mr. N. D. Elsbrook, in support of the same.)

701. Richard N. Field, Appellant, vs. The Barber Asphalt Paving Co.

702. The Barber Asphalt Paving Co., Appellant, vs. Richard N. Field.

Mr. D. B. Jewell, in behalf of Richard N. Field, submitted to the consideration of the Court, motion for leave, to submit a petition for rehearing in these cases.

704. William Burrill et al., Petitioners, vs. George W. Crossman et al.

The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Lawrence Kneeland, in support of the same, and Mr. Everett P. Wheeler, in opposition thereto.

243. Lydia Bradley, Plff in Error, vs. N. W. Light Co.

306. Lydia Bradley, Plff in Error, vs. N. W. Light Co.

Mr. Thomas A. Clark, in behalf of Counsel for the defendant in error, submitted to the consideration of the Court a motion for leave to submit a petition for rehearing in these cases.

727. The L. A. Kinsey Company et al, Petitioners, vs. The Board of Trade of the City of Chicago.

Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

In consideration of the petition

certiorari herein to the United States
Court of Appeals for the Seventh Circu
of the argument of counsel in supp
the same, It is now here ordered b
Court that said petition be, and the
hereby, granted.

Per Mr. Chief Justice

Order.

It is now here ordered by the Court
the cases on the docket not decided, a
the other business of the term not dispo
by the Court be, and the same are hereb
tinued until the next term of the C

Per Mr. Chief Justice

Proclamation being made the Court is ad
to the time and place appointed by law

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At the Capitol of the United States, in the City of Washington and District of Columbia, being the permanent seat of the National Government of the United States, on the second Monday of October (being the tenth day of the same month) in the year of our Lord one thousand nine hundred and four, and of the Independence of the United States the one hundred and twenty-ninth, the Supreme Court of the United States met agreeably to law.

Present,

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Hoyt it is ordered that Harry B. Arnold and William O. Henderson, Esquires, of Columbus, State of Ohio, be admitted to practice as attorneys and counsellors of this Court.

ingly.

On motion first made to the Court in this behalf by Mr. Louis A. Pradt it is ordered that Joseph Stewart, Esquire, of Humboldt, State of Kansas, and Frederick DeCourcy Faust, Esquire, of Washington, District of Columbia, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. A. Robb it is ordered that William M. Devlin, Esquire, of Sacramento, State of California, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. A. Moseley it is ordered that H. L. Maginnis, Esquire, of Ogden, State of Utah, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lynn Helm it is ordered that Edward C. Bailey, Esquire, of Los Angeles, State of California, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph R. Olson it is ordered that Percy J. Simons, Esquire, of Guthrie, Territory of Oklahoma, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. A. Hoehling, Jr., it is ordered that George E. Chase, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. C. Campbell it is ordered that Oscar J. Smith, Esquire, of Reno, State of Nevada, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. B. Browne it is ordered that James H. Campbell, A. N. Jarman, and George D. Smith, Esquires, of San Jose, and Isidore Harris, Esquire, of San Francisco, State of California, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles J. Kappler it is ordered that Alfred Chartz, Esquire, of Carson, State of Nevada, be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

The Chief Justice announced that all motions noticed for to-day would be heard to-morrow, and that the Court would commence the call of the docket tomorrow pursuant to the 16th rule.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present:

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices

John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. George A. King it is ordered that Clark McKercher, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George A. Knight it is ordered that George E. DeGolia, Esquire, of Oakland, State of California, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. C. Bailey it is ordered that Theodore L. Bailey, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly. 101.

On motion first made to the Court in this behalf by Mr. A. C. Browne it is ordered that Edward F. Colladay, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lynn Helm it is ordered that L. L. Cory, Esquire, of Fresno, State of California, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly. 89.

28. The United States, Plff in Error, vs. The S. P. Shotter Company. In Error to the Circuit Court of the United States for the Southern District of Alabama. 90.

This cause having been called to the attention of the Court by Mr. Solicitor General Hoyt, of counsel, for the plaintiff in error, and he having moved the Court to dismiss the writ of error in this cause; Therefore, in pursuance of said motion, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed. Per Mr. Chief Justice Fuller. 199.

Giovanni Zarcone,
vs. Appellant,
William Williams, Commissioner of Immigration at the Port of New York.

Appeal from the Circuit Court of the United States for the Southern District of New York.

This cause having been called to the attention of the Court by Mr. Solicitor General Hoyt, of counsel for the appellee, and he having moved the Court on behalf of counsel for the appellant to dismiss this cause, Therefore, in pursuance of said motion, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed, per Mr. Chief Justice Fuller.

The Western Union Telegraph Co.
vs. Appellant,
The Pennsylvania R. R. Co. et al
The Western Union Telegraph Co.,
vs. Riff in Error
The Pennsylvania R. R. Co.
The Western Union Telegraph Co.,
vs. Petitioner,
The Pennsylvania R. R. Co. et al

temporarily.

On motion of Mr. N. D. Estabrook, of counsel for the Western Union Telegraph Co, It is ordered by the Court that these cases be, and the same are hereby, dis-

52. Sallie Field Scott et al, vs. Appellants, Lizzie W. Carew et al.

The death of Samuel Y. Finley, one of the appellees in this cause, having been heretofore suggested and an order of publication granted and issued, now, on motion of Mr. William Wade Hampton, of counsel for the appellees, It is ordered that Julia D. Finley, Executrix of and sole devisee, under the last will and testament of the said Samuel Y. Finley be, and she is hereby made a party appellee in this cause.)

360.

361.

12, Original. The State of Wisconsin, vs. Complainant, Ethan Allen Hitchcock, Secretary of the Interior.

On motion of Mr. Assistant Attorney General Campbell, of Counsel for the defendant, It is ordered by the Court that the time within which to file the answer of the defendant herein be, and the same is hereby, extended to November 1st next.

176.

274.

M. S. Buckingham, Trustee, et al., Petitioners; vs. The First National Bank of Chicago et al.

The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. William A. Carroll, in support of the same, and Mr. Thomas B. Turley, in opposition thereto.

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The Scottish Union and National Insurance Co, Appellant,
vs.
Willis G. Bowland, Treasurer, etal
Willis G. Bowland, Treasurer, etal, Appellants,
vs
The Scottish Union and National Insurance Co

Mr. A. G. Seymour, of counsel for the appellees in No. 360 and appellants in No. 361, submitted to the consideration of the Court a motion to advance these cases

Rufus Binyon,
vs. Plff in Error,
The United States.

Mr. H. A. Green, of counsel, for the plaintiff in error, submitted to the consideration of the Court a motion to reassign this cause which was opposed by Mr. Solicitor General Hoyt, of counsel for the defendant in error.

John J. Cochran et al,
vs. Plffs in Error
The County of Montgomery.

The motion to dismiss in this cause was submitted to the consideration of the Court on the record and printed arguments by Mr. W. L. Martin, in support of the same, and Mr. Edgar N. Gans and Mr. Thomas A. Whelan, in opposition thereto.

The Terre Haute & Indianapolis Railroad Company, Plff in Error,
vs.
The State of Indiana ex rel. Wil-

Mr. William B. Hornblower on behalf of the de-

submitted to the consideration of the Court a motion for leave to file a petition for rehearing in this cause.)

382. The Ohio Baking Co., et al., vs. National Biscuit Co. Petitioners, The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Thomas A. Banning and Mr. Ephraim Banning, in support of the same, and Mr. Earl D. Babst and Mr. C. K. Offield, in opposition thereto. 333.

377. The Minnesota Moline Plow Co., et al., vs. The Dowagiac Manufacturing Company. Petitioners, The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Thomas A. Banning and Mr. Ephraim Banning, in support of the same, and Mr. Fred L. Chappell, in opposition thereto. 333.

372. Brennan & Company Southwestern Agricultural Works et al., vs. Dowagiac Manufacturing Co. Petitioners, The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Border Boroman and Mr. Augustus E. Willson, in 326.

upport of the same, and Mr. Fred L. Chappell,
n opposition thereto.

lee Look,
vs. Aff'g in Error
he People of the State of
alifornia,

The motions for leave, to prosecute this cause in forma pauperis and to advance the cause were submitted to

e consideration of the Court on printed arguments by Mr. A. H. Jarman, in support of
e same.

lee Look,
vs. Aff'g in Error
he People of the State of
alifornia,

The motions to dismiss or affirm in this cause were submitted to the consideration of the

urt on printed arguments by Mr. James
. Campbell and Mr. U. S. Webb, in support
f the same, and Mr. A. H. Jarman and Mr.
. C. McPike, in opposition thereto.

he Eureka County Bank,
vs. Petitioner,
da K. Clarke,

The petition for a writ of certiorari herein was submitted to the con

eration of the Court on printed arguments
Mr. Oscar J. Smith and Mr. J. C. Campbell,
upport of the same, and Mr. Alfred Clarke,
pposition thereto, with leave to counsel for

one week.

373. The Mobile Transportation Company, Petitioner, vs. The City of Mobile et al. The pet… a writ o… tiorari … was su… to the Co…

tion of the Court on printed arguments … Mr. Frederick G. Bromberg and Mr. … Lewis, in support of the same, and Mr. … T. Smith, in opposition thereto.

244. Gus G. Coulter et al., Appellants, vs. The Louisville & Nashville Railroad Co. Mr. A. L. St… counsel for … pellants, s… ted to the Co… tion of the C…

Motion to advance this cause.

357. Stuart R. Knott et al., Petitioners, vs. Louisville Trust Company, Receiver &c. The petition … of certiorari … was submitte… the considera… of the Court on …

arguments by Mr. A. P. Humphrey, Mr. J… Helm, Mr. Helm Bruce, and Mr. Walker D… in support of the same, and Mr. Aaron S… Mr. D. W. Baird, Mr. John L. Dodd, and Mr. J… in opposition thereto.

318 Bunker Hill and Sullivan Mining and Concentrating Co., Petitioner, vs. Charles T. Jones

The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. M. A. Folsom, in support of the same, and Mr. Thomas O'Day and Mr. F. C. Robertson, in opposition thereto.

285. The New York Life Insurance Company, Plff in Error, vs. Annie E. English,

The motions to dismiss or affirm in this cause were submitted to the consideration of the Court on printed arguments by Mr. Winchester Kelso, in support of the same, and Mr. Frederic D. McKenney and Mr. J. N. McIntosh, in opposition thereto.

284. Munich Assurance Co., Limited, et al., Petitioners, vs. Dodwell & Company, Limited.

The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Milton Andros, in support of the same, and Mr. Charles Page and Mr. E. J. McCutchen, in opposition thereto.

310. The Portland Flouring Mills Company, Petitioner, vs. The British & Foreign Marine Insurance Company, Limited. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. A. B. Browne, Mr. C. E. S. Wood, Mr. George A. Williams, and Mr. Thomas D. Rambaut, in support of the same, and Mr. Zera Snow and Mr. Wallace McCamant, in opposition thereto.

293. F. Augustus Heinze et al., Petitioners, vs. The Butte and Boston Consolidated Mining Company. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Frederic D. McKenney and Mr. John J. McHatton, in support of the same, and Mr. James M. Beck and Mr. John A. Garver, in opposition thereto.

337. Tacoma Mill Company, Petitioner, vs. Black Hills & Northwestern Railway Co. et al. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Frederic D. McKenney, Mr. James M. Ashton and Mr. E. C. Hughes, in support of the same, and Mr. James B. Howe, in opposition thereto.

367.

385.

11.

The Madisonville Traction Co, Appellant, vs. The Saint Bernard Mining Co. On motion of Mr. N. T. Critchfield, of counsel for the appellant, It is ordered by the Court that this cause, be, and the same is hereby, advanced pursuant to the 31st Rule.

The Buffalo Pin Co, Petitioner vs. E. M. Bliss Company. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Herbert P. Bissell, in support of the same, and Mr. Thomas Thacher, in opposition thereto.

William L. Elkins, Appellant, vs. The City of Chicago, The North Chicago City Railway Co, et al. Appeal from the Circuit Court of the United States for the Northern District of Illinois.

It appearing to the Court that a stipulation of counsel for the respective parties that this cause may be stricken from the docket has been filed, Therefore, in pursuance of said stipulation, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, stricken from the docket.

Mr. Mr. Chief Justice [illegible]

19. William L. Elkins, Appellant, v. The City of Chicago, The Chicago West Division Railway Company et al. } Appeal from the Circuit Court of the United States for the Northern District of Illinois.

163.

It appearing to the Court that a stipulation of Counsel for the respective parties that this cause may be stricken from the docket has been filed. Therefore, in pursuance of said stipulation, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, stricken from the docket.

Per Mr. Chief Justice Fuller.

161. Barbara Warner, as Administratrix of the estate of Wolfgang Warner, deceased, v. The Chicago & Northwestern Railway Co., Plff in Error, Thos Chester Conner. } In Error to the Circuit Court of the United States for the District of Nebraska.

177.

It appearing to the Court that a stipulation of Counsel for the respective parties to dismiss this cause has been filed. Therefore, in pursuance of said stipulation, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed, costs in this Court to be paid by the defendants in error.

Per Mr. Chief Justice Fuller.

The Western Union Telegraph Company, Appellant, vs. The City of Toledo; Common Council and Officers of said City, Samuel M. Jones et al. | Appeal from the United States Circuit Court of Appeals for the Sixth Circuit.

It appearing to the Court that a motion by counsel for the appellant to dismiss this appeal has been filed, Therefore, in pursuance of said motion, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby dismissed with costs.

Per Mr. Chief Justice Fuller.

Walter C. Peacock, Appellant, vs. The United States. | Appeal from the United States Circuit Court of Appeals for the Ninth Circuit.

It appearing to the Court that a stipulation of counsel for the respective parties to dismiss this appeal has been filed, Therefore, in pursuance of said stipulation, It is now here, ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed.

Per Mr. Chief Justice Fuller.

138. Susan A. Ramsey vs. The Tacoma Land Co. Affirmed. The motions to dismiss or affirm in this cause were submitted to the consideration of the Court on the record and printed arguments by Mr. Stanton Warburton, in support of the same, and Mr. John F. Shafroth, in opposition thereto.

106. Samuel A. V. Hartwell, Appellant, vs. John A. Havighorst. The motion to dismiss in this cause was submitted to the consideration of the Court on the record and printed arguments by Mr. A. G. C. Bierer, in support of the same, and Mr. William C. Prentiss, in opposition thereto.

173. Iron Cliffs Company et al., Plffs in Error, vs. Negaunee Iron Co., et al. The motion to dismiss in this cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Anton Hamelitt and Mr. Scott W. Shaull, in support of the same, and Mr. James A. Hoyt, in opposition thereto.

Houghton & James McCharles W. Hillard, Appellants, vs. The Germania Iron Company. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit.

This cause having been called for hearing in its

regular order, and an authority of counsel for the appellants to dismiss this cause having been filed, Therefore, in pursuance of said authority, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Fuller.

James Belden, Appellant, vs. The Midway Company. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit.

This cause having been called for hearing in its regular order, and an authority of counsel for the appellant to dismiss this cause having been filed, Therefore, in pursuance of said authority, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Fuller.

The United States, Appellant, vs. Charles M. Thomas. Charles M. Thomas, Appellant, vs. The United States. The argument of these cases was commenced by Mr. George A. King, of counsel for Thomas, continued by Mr. Assistant Attorney General Pradt, of counsel for The United States, and concluded by Mr. William B. King, of counsel for Thomas.

Friday, October 11th, 1907, Continued.

107. Caroline W. Dobbins,
vs. Plff in Error,
The City of Los Angeles.

108. And
Martin Daly,
vs. Plff in Error,
Charles Elton, Chief of Police &c.

The argument of these Cases was commenced by Mr. Lynn Helm, of Counsel for the Plaintiff in Error

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices

John M. Wright, Esquire, Marshal,
James D. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. J. H. Ralston it is ordered that Marcus Fredrick, Esquire, of Reno, State of Nevada, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fred Beall it is ordered that Chester Howe, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

84. The Western Union Telegraph Co., Appellant, vs. The Pennsylvania R.R. Co. et al.

90. The Western Union Telegraph Co., Plff in Error, vs. The Pennsylvania R.R. Co.

155. The Western Union Telegraph Co., Petitioner, vs. The Pennsylvania R.R. Co., et al.

It is ordered by the Court that these cases be, and they are hereby, reassigned for argument on Wednesday the 19th instant at the head of the call for that day.

Per Mr. Chief Justice Fuller.

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4. William A. Paulsen, Plff in Error, vs. The People of the State of Illinois.

In Error to the Supreme Court of the State of Illinois.

This cause having been called for hearing in its regular order, and it appearing to the Court that the parties have failed to print the transcript of the record, It is, therefore, in pursuance of the tenth rule of this Court, now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Fuller.

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107. Caroline N. Dobbins, Plff in Error, vs. The City of Los Angeles.

108. Martin Daly, Plff in Error, vs. Charles Elton, Chief of Police &c.

The argument of these cases was continued by Mr. Lynn Helm, of counsel for the plaintiffs in error, and Mr. W. B. Mathews, of

counsel for the defendants in error, and concluded
y Mr. E. C. Bailey, of counsel for the plaintiffs
error.

Emma S. Thayerweather et al
vs. Appellants,
Thomas G. Ritch et al.
John B. Reynolds, Sole Executor &c,
vs. Appellant,
Thomas G. Ritch et al.

On motion of Mr. Roger M. Sherman of counsel for Thayerweather et al. It is ordered by the Court that Counsel

ch side be allowed three hours for the argu-
ent of these cases.

Emma S. Thayerweather et al,
vs. Appellants,
Thomas G. Ritch et al.
John B. Reynolds, Sole Executor &c,
vs. Appellant,
Thomas G. Ritch et al.

The argument of these cases was commenced by Mr. Roger M. Sherman, of counsel for the appellants

No. 157, and continued by Mr. William Blaikie
ounsel for the appellant in No. 158.

clamation being made the Court is adjourned
il tomorrow at twelve o'clock.

Monday, October 10th, 1904.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
} Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Esq'r.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. John C. Parsons it is ordered that Horace Andrews, Esquire, of Cleveland, State of Ohio, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry G. Davis it is ordered that Louis C. Barley, Esquire of Alexandria, State of Virginia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. H. McGowan it is ordered that Henry Seward

Van Dyke, Esquire, of Los Angeles, State of California, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf, by Mr. J. Altheus Johnson it is ordered that, F. Barron Grier, Esquire, of Greenwood, State of South Carolina, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

173. Iron Cliffs Company et al, Plffs in Error, vs. Negaunee Iron Company et al. On motion of Mr. Horace Andrews leave is hereby granted counsel for the plaintiff in error to file an additional brief herein within five days.

10. Henry Lockhart, Appellant vs. A. C. Leeds et al.
289. Henry Lockhart et al, Appellants, vs. A. C. Leeds et al.

The motion to pass case No. 10, subject to the provisions of section 9 of Rule No, and to advance case No. 289 for argument with No. 10 was submitted to the consideration of the Court by Mr. J. K. McGowan, in support of the same, and Mr. W. B. Childers, in opposition thereto.

157. Emma S. Fayerweather et al., Appellants,
vs.
Thomas G. Ritch et al.

158. John B. Reynolds, Sole Executor &c., Appellant,
vs.
Thomas G. Ritch et al.

The argument of these Cases was continued by Mr. William Blaikie, of counsel for the appellant in No. 158, and concluded by Mr. Elihu Root, of counsel for the appellees, and leave was granted counsel to file additional briefs within five days.

206. William K. Vanderbilt et al.,
vs.
Ferdinand Eidman, as U.S. Collector &c.

Vanderbilt et al.

The argument of this Cause was commenced by Mr. Howard Taylor, of counsel for

Proclamation being made the Court is adjourned until, tomorrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
} Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is op...

On motion first made to the Court in this behalf by Mr. M. D. Purdy it is ordered that Andrew C. Dunn, Esquire, of Winnebago City, State of Minnesota, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. C. McReynolds it is ordered that Charles Newell Burch, Esquire, of Louisville, State of Kentucky, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Howard Taft it is ordered that Frederick Dwight, Esquire, of Boston, State of Massachusetts, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Gassen, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edwin B. Hay it is ordered that George W. Nicol, Esquire, of Sonora, State of California, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

10. Henry Lockhart, Appellant, vs. H.C. Leeds et al.,
289. Henry Lockhart et al, Appellants, vs. H.C. Leeds et al.)

On consideration of the motion to pass case No. 10, subject to provisions of section 9 of Rule 26, and to advance No. 289 for argument with No. 10, It is now here ordered by the Court that said motion be, and the same is hereby, denied.

Per Mr. Justice Brewer.

35. Edward W. Anderson et al., vs. Plffs in Error / Baxter Morton.) Mr. West Steever, of Counsel for the plaintiffs in error, submitted to the consideration of the Court a motion to pass this cause.

144. The San Francisco National Bank, Appellant, vs. Washington Dodge, Assessor &c. On motion of Mr. A.B. Browne, in behalf of counsel, It is ordered by the Court that this cause be, and the same is hereby, passed, subject to the provisions of section 9 of Rule 26.

William K. Vanderbilt et al.,
vs.
Ferdinand Eidman, as U.S.
Collector &c.

The argument of this cause was continued by Mr. Howard Taylor, of counsel for

Vanderbilt et al., and Mr. Assistant Attorney General Webb, of counsel for Eidman, U.S. Collector &c., was concluded by Mr. Howard Taylor for Vanderbilt et al.

Rufus Binyon
vs. Plff in Error,
The United States.

On consideration of the motion to reassign this cause, It is now here ordered by the Court that said motion be, and the same is hereby, denied.
(Per Mr. Justice Brewer.)

Rufus Binyon,
vs. Plff in Error,
The United States.

This cause was argued by Mr. W. N. Green, of counsel for the plaintiff in error, and Mr. Assistant Attorney General Purdy, of counsel for the defendant in error.

John T. New,
vs Plff in Error,
Territory of Oklahoma.

The argument of this cause was commenced by Mr. Hugh T. Taggart, of counsel for the plaintiff in error.

Proclamation being made the Court is adjourned until Monday next at

Monday, October 17th, 1904.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. P. H. Alexander it is ordered that Guy R. Kennedy, Esquire, of Chico, State of California, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. H. Ralston it is ordered that Lewis F. Byington, Esquire, of San Francisco, State of California, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James F. Smith it is ordered that Williams P. Wheeler, Esquire, and John P. Connelly, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. B. Childers it is ordered that Harvey B. Fergusson, Esquire, of Albuquerque, Territory of New Mexico, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Whiteside it is ordered that D. R. Hile, Esquire, of Topeka, State of Kansas, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. M. D. Rosenberg it is ordered that Tobias D. Keppler, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles H. Robb it is ordered that Russell P. Goodwin, Esquire, of Aurora, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he

8, Original. The State of South Dakota, Complainant, vs. The State of North Carolina et al.

On Consideration of the petition rehearing in It is now ordered by the Court that said petition be, and same is hereby, denied.

Per Mr. Chief Justice Fuller

201 of Oct. T. 1903. Richard A. Field, Appellant, vs. The Barber Asphalt Paving Co.

202 of Oct. T. 1903. The Barber Asphalt Paving Co, Appellant, vs. Richard A. Field,

On Consideration the motion to file a petition rehearing here It is now ordered by the Court that said motion be, and the same is hereby

243 of Oct. T. 1903. Lydia Bradley, Plff in Error, vs. A. W. Lightcap.

306 of Oct. T. 1903. Lydia Bradley, Plff in Error, vs. A. W. Lightcap.

On Consideration of the motion leave to file for rehearing these cases, It now here ordered by the Court that said motion be, and the same is hereby, denied

Per Mr. Chief Justice Fuller

Thomas E. Kepner,
244 of Oct. T. 1903. vs. Pltff in Error.
The United States.
Secundino Mendezona y Mendezona,
584 of Oct. T. 1903. vs. Pltff in Error.
The United States.

On consideration of the motions for leave to file petitions for rehearing in these cases, It is now here ordered by the Court that said motions be, and the same are hereby, denied.

Per Mr. Chief Justice Fuller.

Samuel M. Clyatt,
935. vs.
The United States.

It is ordered by the Court that the further consideration of the petition for an order to bring up the entire record and cause be, and the same is hereby, postponed until the hearing of the cause on the questions certified.

Per Mr. Chief Justice Fuller.

Samuel A. V. Hautwell,
106. vs. Appellant,
John A. Havighorst.

It is ordered by the Court that the further consideration of the motion to dismiss in this cause be and the same is hereby, postponed until the hearing of the cause on the merits.

Per Mr. Chief Justice Fuller.

Susan A. Ramsey,
138. vs. Pltff in Error.
The Tacoma Land Co. [illegible]

It is ordered by the Court that the further

motions to dismiss or affirm in this cause be, and the same is hereby, postponed until the hearing of the cause on its merits.

Per Mr. Chief Justice Fuller.

279. John J. Cochran et al., vs. Plffs in Error, The County of Montgomery. It is ordered by the Court that the further consideration of the motion to dismiss in this cause be, and the same is hereby, postponed until the hearing of the cause on its merits.

Per Mr. Chief Justice Fuller.

244. Gus G. Coulter et al., vs. Appellants, The Louisville & Nashville Railroad Company. On consideration of the motion to advance this cause, It is now here ordered by the Court that said motion be, and the same is hereby, granted, and the cause assigned for argument on Monday, November 28th next.

Per Mr. Chief Justice Fuller.

275. The United States, vs. Appellant, The Harvey Steel Company. On consideration of the motion to advance this cause, It is now here ordered by the Court that said motion be, and the same is hereby, granted, and the cause assigned for argument on Tuesday, January 3d, 1905.

Per Mr. Chief Justice Fuller.

360.

361.

285.

176.

The Scottish Union and National Insurance Company, Appellant, vs. Willis G. Bowland, Treasurer, etal. Willis G. Bowland, Treasurer, etal. Appellants, vs. The Scottish Union and National Insurance Company.

On consideration of the motion to advance these cases, It is now here ordered by the Court that said motion, be, and the same is hereby, granted, and the cases assigned for argument on Thursday, January 5th, 1905, after the case heretofore assigned for that day.

Per Mr. Chief Justice Fuller.

The New York Life Insurance Company, Plff in Error, vs. Jennie E. English.

It is ordered by the Court that the further consideration of the motions to dismiss or affirm in this cause be, and the same is, hereby, postponed until the record, or a sufficient part thereof, is printed.

Per Mr. Chief Justice Fuller.

Rufus Binyon, Plff in Error, vs. United States.

In Error to the United States Court of Appeals in the Indian Territory.

This cause came on to be heard on the transcript of record from the United States Court of Ap-

by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

333. Lee Look, Plff in Error, vs. The People of the State of California. In Error to the Supreme Court of the State of California.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of California, and on motions to dismiss or affirm which were argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction, but without costs.

Per Mr. Chief Justice Fuller.

913. Henry P. Booth, Surviving Partner &c., vs. The Norwegian Bark "Eliza Lines", et al. On consideration of the petition for a cross-writ of certiorari herein, It is ordered by the Court that said petition be, and the same is hereby granted.

Per Mr. Chief Justice Fuller.

337.

336.

Tacoma Mill Company, Petitioner,
vs.
Black Hills & Northwestern Railway Company et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, granted.

Per Mr. Chief Justice Fuller.

Thomas F. Curley et al., Petitioners,
vs.
The United States.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

253. The Bettendorf Patents Company, Petitioner, vs. J. R. Little Metal Wheel Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

258. William Burrill et al., Petitioners, vs. George W. Crossman et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

268.

276.

The Western Union Telegraph Company, Petitioner, vs. Charles J. Swan. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

John T. Andrews, Petitioner, vs. Chicago & Northwestern Railway Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now hereby ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

277. William N. Flannery et al vs. Isaac B. Lewis. Petitioners, On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

On consideration of the petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

310.

278. Aetna Insurance Company, vs. Isaac B. Lewis. Petitioner, On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

284. Munich Assurance Company, Limited, et al., vs. Dodwell & Company, Limited. Petitioners, On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

318.

On consideration of the petition for a writ of certiorari

herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same. It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

The Portland Flouring Mills Company, Petitioner, vs. The British and Foreign Marine Insurance Company, Limited. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same. It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

Tunder Hill and Sullivan Mining and Concentrating Co., Petitioner, vs. Charles T. Jones. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

On consideration of the petition for a writ of cer-

of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

(Per Mr. Chief Justice Fuller.)

379. Brennan & Company Southwestern Agricultural Works et al, Petitioners, vs. Dowagiac Manufacturing Co. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

(Per Mr. Chief Justice Fuller.)

377. The Minnesota Moline Plow Company et al., Petitioners, vs. The Dowagiac Manufacturing Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of Counsel thereupon had, as well in support of as

against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

(Per Mr. Chief Justice Fuller.)

M. S. Buckingham, Trustee, et al., Petitioners, vs. The First National Bank of Chicago et al. — On petition for writ of Certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of Counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

(Per Mr. Chief Justice Fuller.)

The Ohio Baking Company et al., Petitioners, vs. National Biscuit Company. — On petition for writ of Certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of Counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition

and the same is hereby, denied.

(per Mr. Chief Justice Fuller.)

385. The Buffalo Tin Can Company, Petitioner, v. E. W. Bliss Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

(per Mr. Chief Justice Fuller.)

The Solicitor General presented to the Court Hon. William H. Moody, Attorney General, and his commission was ordered to be recorded, as follows, viz:

Theodore Roosevelt,

President of the United States of America,

To all who shall see these presents, Greeting:

Know Ye, That reposing special trust and confidence in the patriotism, Integrity and Abilities of William H. Moody of Massachusetts, I do appoint him Attorney General and do authorize and empower him to execute and fulfil the duties of that Office according to law and to have and to hold the said Office, with all the powers, privileges and emoluments to the same of right appertaining, unto him the

said William H. Moody during the pleasure of the President of the United States for the time being, and until the end of the next session of the Senate of the United States and no longer.

In testimony whereof, I have caused these Letters to be made Patent and the seal of the United States to be hereunto affixed. Given under my hand, at the City of Washington the first day of July in the Year of our Lord, one thousand nine hundred and four and of the Independence of the United States of America the one hundred and twenty eighth.

(Seal) Theodore Roosevelt.

By the President:
John Hay,
Secretary of State.

14. The United States, Appellant, vs. The Missouri, Kansas & Texas Railway Co., et al. On motion of Mr. Solicitor General Hoyt, of counsel for the appellant, It is now here ordered by the Court that this cause be, and the same is hereby, passed for settlement.

80. The United States, Petitioner vs. R. F. Downing & Co. The petition for a writ of certiorari herein was submitted to the consideration of the Court

or printed argument

Hoyt and Mr. Assistant Attorney General McReynolds, in support of the same, and Mr. Albert Comstock, in opposition thereto.

387. The United States, Appellant, vs. The Detroit Timber and Lumber Company et al.

Mr. Solicitor General Hoyt, of counsel for the appellant, submitted to the consideration of the Court a motion to continue the injunction herein pending this appeal.)

275. The Chesapeake Beach Railway Company, Aff in Error, vs. The Washington, Potomac & Chesapeake Railroad Co.)

The motions to dismiss or affirm in this cause were submitted to the consideration of the Court on the record and printed arguments by Mr. Charles Poe and Mr. S. A. Putnam, in support of the same, and Mr. Frederic D. McKenney and Mr. J. Spalding Flannery, in opposition thereto.

131. William H. McCaffrey et al., Appellants, vs. Lizzie C. Manogue et al.)

Mr. O. B. Hallam, of counsel for the appellants, suggested the death of James B. McCaffrey, one of the appellants in this cause, and on his motion it was ordered that the cause proceed in the names of the surviving appellants.

343. Joseph Ralph Burton, Plff in Error, vs. The United States. Mr. W. A. Rossington, of counsel for the plaintiff in error, submitted to the consideration of the Court a motion to advance this cause.

384. Joseph R. Burton, Petitioner, vs. The United States. The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. W. A. Rossington, Mr. F. W. Lehmann, and Mr. John F. Dillon, in support of the same, and leave was granted counsel for the respondent to file a brief in opposition thereto within five days.

45. Pedro Perea et al., Administrators &c., Appellants, vs. Guadalupe Perea de Harrison et al. The motion to dismiss in this cause was submitted to the consideration of the Court on the record and printed arguments by Mr. W. B. Childers, in support of the same, and Mr. F. B. Cahoon, in opposition thereto.

0. Fernand Bonin et al., Plffs in Error, vs. The Gulf Company. On motion of Mr. A. B. Browne, in behalf of counsel,

error, it is ordered by the Court that this cause be, and the same is hereby, passed, subject to the provisions of Section 9 of Rule No.

109. The Butte City Water Co., Plff in Error, vs. Ben Baker. The motions to dismiss or affirm in this cause were submitted to the consideration of the Court on the record and printed arguments by Mr. Robert B. Smith, in support of the same, and Mr. W. W. Dixon, in opposition thereto.

226. John T. New, Plff in Error, vs. The Territory of Oklahoma. The argument of this cause was continued by Mr. Hugh T. Daggart, of counsel for the plaintiff in error, and concluded by Mr. Percy C. Simons, of counsel for the defendant in error, and leave was granted counsel to file additional briefs on or before Thursday next.)

3. Andrew J. Aikens, Plff in Error, vs. The State of Wisconsin
4. Albert Huegin, Plff in Error, vs. The State of Wisconsin
5. Melvin A. Hoyt, Plff in Error, vs. The State of Wisconsin

On motion of Mr. W. H. Timlin, of counsel for the plaintiffs in error in Nos. 3 and 4, It is ordered by the Court that three hours be allowed counsel on each side on the reargument of these cases.

3. Andrew J. Aikens, Plff in Error, vs. The State of Wisconsin
4. Albert Huegin, Plff in Error, vs. The State of Wisconsin
5. Melvin A. Hoyt, Plff in Error, vs. The State of Wisconsin

The reargument of these cases was commenced by Mr. W. H. Timlin, of Counsel for the plaintiffs in error in Nos. 3 and 4.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Tuesday, October 18th, 1904.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. T. O. Abbott it is ordered that Mitchell Gilliam, Esquire, of Seattle, State of Washington, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

158. John B. Reynolds, as sole Executor &c., Appellant, vs. Thomas G. Ritch et al.

On motion of Mr. William Blackie of counsel for the appellant, leave is hereby granted him to file an additional brief herein.

The Cedar Rapids Water Co., Plff in Error,
vs.
The City of Cedar Rapids et al

It is ordered by the Court that this cause be passed, temporarily.

Andrew J. Aikens, Plff in Error, vs. The State of Wisconsin
Albert Huegin, Plff in Error, vs. The State of Wisconsin
Melvin A. Boyt, Plff in Error, vs. The State of Wisconsin

The reargument of these cases was continued by Mr. W. A. Pinlin and Mr. George Van Dyke, of counsel for the plaintiffs in error Nos. 3 and 4, Mr. J. L. Flanders, of counsel for the defendant in error in Nos. 3 and 4, and concluded by Mr. S. S. Gregory, of counsel for the plaintiff in error in No. 5, and Mr. L. M. Sturdevant, of counsel for the defendant in error in No. 5, submitted the case on a printed argument.

Hugh Stevenson et al.,
vs. Appellants,
William Fain et al.

The argument of this cause was commenced by Mr. D. S. Webb, of counsel for the appellants.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock M.

Wednesday, October 19th, 1904.

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Rush Taggart it is ordered that Harry J. Cantwell, Esquire, of St. Louis, State of Missouri, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

21. The Cedar Rapids Water Co., Plff in Error, vs. The City of Cedar Rapids et al. On motion of Mr. Charles A. Clark of counsel for the plaintiff in error,

It is ordered by the Court that this cause be, and the same is hereby, passed subject to the provisions of section 9 of Rule 26.

ggie A. Bradford
vs.
uthern Railway Co.

This cause was submitted to the consideration of the Court, by stipulation of counsel on the record and printed arguments by Mr. derick J. McKenney, of counsel for Bradford and Mr. Frank P. Poston, of counsel for the Railway Co.

gh Stevenson et al.,
vs. Appellants
liam Fain et al.,

The arguments of this cause was concluded by Mr. P. S. Webb, of counsel, for the appellants, and the case was submitted on printed arguments by Mr. John W. Green, counsel for the appellees.

Western Union Telegraph Co.,
vs. Appellant,
Pennsylvania Railroad Co. et al.
Western Union Telegraph Co.,
vs. Plff in Error,
Pennsylvania Railroad Co.
Western Union Telegraph Co.,
vs. Petitioner,
Pennsylvania Railroad Co. et al.

On motion of Mr. A. D. Estabrook, of counsel for the Telegraph Co., It is ordered that three hours be allowed counsel on each side in the argument of these cases.

The argument of these cases was commenced by Mr. A. D. Estabrook, of counsel for the Western Union Telegraph Company,

Wednesday, October 19th 1904, Continued.

Mr. Rush Taggart, of counsel for the Western Union Telegraph Company, and Mr. John G. Johnson, of counsel for the Pennsylvania Railroad Company et al.,

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. John F. Dillon it is ordered that Byron K. Ambler, Esquire, of Salem, State of Ohio, and James Hillhouse, Esquire, of New York City, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. James A. Hayden it is ordered that Julius H. Hale, Esquire, of Seattle, State of Washington be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Thursday, October 20th, 1902.—C

On motion first made to the Court in t
by Mr. M. J. Colbert it is ordered that
Young, Esquire, of San Francisco, Cali
fornia, be admitted to practice as an
and Counsellor of this Court and he wa
accordingly.

59. Erie Railroad Company,
vs. Plff in Error,
George H. Minor.

It is ord
Court that
be, and th
hereby, a

until the next term, per stipulation of

87. The Western Union Telegraph Co.,
vs. Appellant,
The Pennsylvania Railroad Co., et al.

The argu
these cas
continue

90. The Western Union Telegraph Co.,
vs. Plff in Error,
The Pennsylvania Railroad Co.

John G. Y
of Counse
Pennsylva

91. The Western Union Telegraph Co.,
vs. Petitioner,
The Pennsylvania Railroad Co., et al.

road Co., e
Conclude
John F. Du
Counsel f

Western Union Telegraph Co.

10. Henry Lockhart,
vs. Appellant,
H. C. Leeds et al.

This cause wa
by Mr. J. H. M
of Counsel for
pellant, and
Childers, of Counsel for the appellees.

13. Edmund J. Smiley
N. Riff in Error,
The State of Kansas.

The argument of this cause was commenced by Mr. N. Whiteside, of counsel for the plaintiff in error.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Friday, October 21st, 1904.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. F. A. Green it is ordered that James Robert Spurgeon, Esquire, of New York City, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. A. Langfitt it is ordered that Homer Levi Castle, Esquire, of Pittsburg, State of Pennsylvania, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

The United States et al., Appellants, vs. Juan B. Martinez, Admr &c. On motion of Mr. Solicitor General, Hoyt leave is hereby granted Mr. Lincoln B. Smith to appear and argue this cause orally on behalf of the appellants.

Edmund J. Smiley, Plff in Error, vs. The State of Kansas. The argument of this cause was continued by Mr. A. Whiteside, of counsel for the plaintiff in error, and Mr. D. R. Hite, of counsel for the defendant in error, and concluded by Mr. A. Whiteside, of counsel for the plaintiff in error.

The United States et al., Appellants, vs. Juan B. Martinez, Admr &c. The argument of this cause was commenced by Mr. Lincoln B. Smith, (by special leave), of counsel for the appellants, and continued by Mr. W. A. Robeson, of counsel for the appellee.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock

Monday, October 24th, 1904.

Pursuant to adjournment the Court met, to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened,

19.

On motion first made to the Court in this behalf by Mr. Frederic D. McKenney it is ordered that Milton A. Nathan, Esquire, of San Francisco, State of California, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Louis E. McComas it is ordered that Leon E. Greenbaum, Esquire, of Baltimore, State of Maryland, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry E. Davis it is ordered that Frederick Tubbert, Esquire, of Cedar Keys, State of Florida, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Sidney Webb it is ordered that Francis Herbert Dam, Esquire, of San Francisco, State of California, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

August Cliff
vs. Cliff in Error,
The United States.

In Error to the District Court of the United States for the Northern District of Illinois

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Illinois, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Brewer.

Dissenting:
Mr. Chief Justice Fuller,
Mr. Justice Harlan and
Mr. Justice Peckham.

The Northern Pacific Railway Company,
211 of Oct. T. 1903. vs.
Alline A. Dixon, Administratrix,

It is ordered by the Court that the motion for leave to file a petition for rehearing in this cause be, and the same is hereby, stricken from the docket.

Per Mr. Chief Justice Fuller.

Pedro Perea and Mariano Perea, Administrators of the estate of Jose L. Perea, et al.,
45. vs. Appellants,
Guadalupe Perea de Harrison and George W. Harrison.

Appeal from the Supreme Court of the Territory of New Mexico.

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory of New Mexico, and on a motion to dismiss which was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

The United States,
380. vs. Petitioner,
R. F. Downing & Co.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

On consideration of the petition for a writ of certiorari

herein to the United States Circuit Court of Appeals
for the Second Circuit, and of the argument of
Counsel thereupon had, as well in support of
as against the same, It is now here ordered
by the Court that said petition be, and the same
is hereby, granted.

Per Mr. Chief Justice Fuller.

F. Augustus Heinze et al, Petitioners, vs. The Butte & Boston Consol-idated Mining Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

On consideration of the petition for a writ of
certiorari herein to the United States Circuit
Court of Appeals for the Ninth Circuit, and of
the argument of Counsel thereupon had, as
well in support of as against the same, It
is now here ordered by the Court that said
petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

The Eureka County Bank, Petitioner, vs. Ida K. Clarke. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

On consideration of the petition for a writ of cer-
tiorari herein to the United States Circuit Court
of Appeals for the Ninth Circuit, and of the ar-
gument of Counsel thereupon had, as well in
support of as against the same, It is now

ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

373. The Mobile Transportation Company, Petitioner, vs. The City of Mobile et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

387. Stuart R. Knott et al., Petitioners vs. The Louisville Trust Company, Receiver &c. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

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The Butte City Water Co.
vs. Plff in Error,
Ben Baker.

It is ordered by the Court that the further consideration of the motions to dismiss or affirm in these cases be, and the same is hereby, postponed until the hearing of the cases on their merits.

Per Mr. Chief Justice Fuller.

The Chesapeake Beach Railway Co.,
vs. Plff in Error
The Washington, Potomac & Chesapeake Railroad Co.

Iron Cliffs Company et al.,
vs. Plffs in Error,
Allegannee Iron Company et al.

It is ordered by the Court that the further consideration of the motion to dismiss in this cause be, and the same is hereby, postponed until the hearing of the cause on its merits.

Per Mr. Chief Justice Fuller.

Hannah O'Callaghan et al,
vs. Appellants,
Clarence O'Brien, Admr &c.

It is ordered by the Court that the further consideration of the motion to dismiss and the petition for a writ of certiorari in this cause be, and the same is hereby, postponed until the hearing of the cause on its merits.

Per Mr. Chief Justice Fuller.

343. Joseph Ralph Burton, Plff in Error, vs. The United States.

On consideration of the motion to advance this cause, It is now here ordered by the Court that said motion be, and the same is hereby, granted, and the cause assigned for argument on Monday, November 28th next, after the cases heretofore assigned for that day.

Per Mr. Chief Justice Fuller.

384. Joseph Ralph Burton, Petitioner, vs. The United States.

It is ordered by the Court that the further consideration of the petition for a writ of certiorari herein be, and the same is hereby, postponed to November 28th next, to be taken with case No. 343.

Per Mr. Chief Justice Fuller.

389. The United States, Appellant, vs. The Detroit Timber and Lumber Company et al.

On consideration of the motion to continue the injunction herein pending this appeal, It is now here ordered by the Court that said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Fuller.

1101. John J. Cochran et al., vs. The County of Montgomery, Petitioners,

The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Edgar H. Gans and Mr. Thomas A. Wheeler in support of the same, and Mr. William L. Martin, in opposition thereto.

63. Charles A. Utermehle, Plff in Error, vs. Mamie E. Norment et al.

Mr. Henry E. Davis, in behalf of counsel for the defendants in error, suggested the death of Leroy M. Taylor, Sr., one of the defendants in error herein, and moved the Court to make The Washington Loan & Trust Company, Executor of said Leroy M. Taylor, Sr., a party defendant in error. Whereupon, It is now here ordered by the Court that the said The Washington Loan & Trust Company, Executor of Leroy M. Taylor, Sr., deceased, be, and it is, hereby, made a party defendant in error in this cause.

90. Seattle Dock Company, Plff in Error, vs. Seattle and Lake Washington Waterway Co. et al.

91. Cannel Coal Company, Plff in Error, vs. Seattle and Lake Washington Waterway Co. et al.

The motions to dismiss or affirm in these cases were submitted to the consideration of

record in case No. 390 and printed arguments by Mr. Julius F. Hale, in support of the same, and Mr. R. A. Ballinger, Mr. J. T. Ronald, and Mr. Alfred Battle, in opposition thereto.

State of Louisiana,
11, Original. vs. Complainant,
State of Mississippi.

Mr. F. C. Zacharie, of counsel for the complainant, submitted to the consideration of the Court a motion for an order granting leave to the parties to this cause to present the maps offered in evidence in this cause in atlas form instead of reproducing the same.

Chesley C. Moses,
381. vs. Petitioner,
The United States.

The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Frederic D. McKenney, in support of the same, and Mr. Solicitor General Hoyt, Mr. Assistant Attorney General Pradt, and Mr. Felix Brannigan, in opposition thereto.

A. F. Kenney, Claimant &c.,
et al., Petitioners,
386. vs.
Albert Louie.

The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Frederic D. McKenney and Mr. James M. Ashton, in support of,

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the same, and Mr. A. W. Buddecke, in opposition thereto.

The United States,
vs. Appellants;
Juan B. Martinez, Admr &c.

The argument of this cause was continued by Mr. W. A. Robeson, of counsel for the appellee, and concluded by Mr. Lincoln B. Smith, (by special leave), of counsel for the appellant.

Metropolitan Railroad Co.,
vs. Appt's and Plff in Error;
Henry B. F. Macfarland et al,
Commissioners &c.

The argument of this cause was commenced by Mr. J. J. Darlington of counsel for the appellant and plaintiff in error, continued by Mr. E. H. Thomas, of counsel for the appellees and defendants in error, and concluded by Mr. C. C. Cole, of counsel for the appellant and plaintiff in error.

Joseph S. Kaufman,
vs. Plff in Error;
J. P. Medway, Trustee &c.

The argument of this cause was commenced by Mr. J. A. Langfitt, of counsel for the plaintiff in error, continued by Mr. Homer Lee Castle, of counsel for the defendant in error, and concluded by Mr. William Kaufman, of counsel for the plaintiff in error. Proclamation being made the Court is adjourned until

Tuesday, October 25th, 1904.

Pursuant to adjournment the Court met to-day at the Capitol.

Present:

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.
John M. Wright, Esquire, Marshal.
James Hall McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. A. B. Browne it is ordered that Jackson A. Graves and Henry W. O'Melveny, Esquires, of Los Angeles, State of California, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

33. Ricardo Amado, Plff in Error, vs. The United States.

This cause was submitted to the consideration of the Court on the record by the plaintiff in error, and on a printed argument by Mr. Assistant Attorney General Purdy, of counsel for the defendant in error.

20. William A. Wright, Comptroller General &c., Petitioner, vs. The Louisville & Nashville Railroad Company et al.) The argument of this cause was commenced by Mr. Boyd in) Wright, of counsel for the petitioner, continued by Mr. Joseph B. Cumming and Mr. Alex. C. King, of counsel for the respondents, and concluded by Mr. John C. Hart, of counsel for the petitioner.)

23. C. Ewing Patterson et al., Appellants, vs. John Y. Hewitt et al.) The argument of this cause was commenced by Mr. W. B. Childress of counsel for the appellants.)

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Wednesday, October Nov. 1904.

Pursuant to adjournment the Court met today at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.
John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Clarence R. Wilson it is ordered that William E. Church, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. M. Collier it is ordered that W. H. L. Hynes, Esquire, of Oakland, State of California, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George C. Heard it is ordered that Edward Hornsby

Esquire, of Helena, State of Montana, be admitted, to practice as an attorney and counsellor of this Court and he was sworn accordingly.

31. The Farmers' Loan & Trust Company, Trustee, Petitioner, vs. The Lake Street Elevated Railroad Company. On consideration of the stipulation of counsel and suggestions in support of the same submitted at the last term of this Court

It is now here ordered by the Court that the motion to enter a decree herein pursuant to said stipulation be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

35. Edward W. Anderson et al., Plffs in Error, vs. Baxter Morton. On consideration of the motion to pass this cause, It is now here ordered by the Court that said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

Ignacio Rosales y Ruelis, Plff in Error, vs. Dolores Moya y Rodriguez, guardian &c., et al. Mr. George N. Lamar, of counsel for the defendants in error submitted to the consideration of the Court a motion to docket and dismiss this cause, pursuant to the 6th rule.

31. The Farmers' Loan & Trust Company, Trustee, vs. The Lake Street Elevated Railroad Company. Petitioner, } On writ of certiora the United States Circuit Court of Ap for the Seventh C Circ.

This cause having been called for hearing in its re lar order, and it appearing to the Court that this is second term at which this cause has been called for argument, and that neither party is now pre pared to argue the same, it is considered by the Court that this cause should be dismissed at the costs of the petitioner, pursuant to the 19th rule o this Court. Whereupon, It is now here ordered, a judged, and decreed by this Court that the writ o certiorari in this cause be, and the same is hereb dismissed with costs.

Per Mr. Chief Justice Fuller.

23. C. Ewing Patterson et al., vs. John Y. Hewitt et al., Appellants, } Reargument of the cause was continue by Mr. W. B. Childer of counsel for the ap pellants, and Mr. Harvey B. Ferguson, of counsel for the appellees, and concluded by Mr W. B. Childers, of counsel for the appellants.

No. The Northern Pacific Railway Company vs. Appellant, The American Trading Co.

The argument of this cause was commenced by Mr. C. W. Bunn, of Counsel for the appellant.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened,

214. The Northern Pacific Railway Company, Appellant, vs. The American Trading Co.

The argument of this cause was continued by Mr. C. W. Bunn, of counsel for the appellant, and Mr. F. B. Jennings, of counsel for the appellee, and concluded by Mr. C. W. Bunn, of counsel for the appellant.

215. Nathan C. Jessup, Plff in Error, vs. The Trustees of the Freeholders and Commonalty of the Town of Southampton.

This cause was argued by Mr. Charles M. Stafford, of counsel for the plaintiff in error, and Mr. Thomas Young, of counsel for the defendants in error.

Friday October 28th, 1901.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White, Associate
Rufus W. Peckham, Justices
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made, the Court opened.

On motion first made to the Court in this behalf by Mr. Charles Poe it is ordered that Benjamin Carter, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

26. Clarence T. Birdsall, Plff in Error, vs. The Columbia Bank. This cause was argued by Mr. John Murray Downs, of counsel for the plaintiff in error, and Mr. Julius J. Henk, of counsel for the defendant in error.

97. The Helena Water Works Co., Appellant, vs. The City of Helena. This cause was argued by Mr. M. S. Gunn, of counsel for the appellant, and Mr. Edward Horsky, of counsel for the appellee, and leave was granted counsel to file additional briefs within five days.

29. The City of Seattle, Appellant vs. Daniel Kelleher, Admr &c. This cause was argued by Mr. Mitchell Gilliam, of counsel for the appellant, and Mr. Frederick Bausman, of counsel for the appellee.

30. Minnie Kilpatrick, Plff in Error, vs. The Choctaw, Oklahoma & Gulf Railroad Company. This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. H. C. Davis, of counsel for the plaintiff in error, and Mr. J. W. McLoud, of counsel for the defendant in error.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday, October 31st, 1904.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Hoyt it is ordered that W. C. Sullivan, Esquire, of Washington, District of Columbia, and Robert E. Wiley, Esquire, of Little Rock, State of Arkansas, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. C. McReynolds it is ordered that William Denman, Esquire, of San Francisco, State of California, be admitted to practice as an attorney and counsellor of this Court and he was sworn ac-

On motion first made to the Court in this behalf by Mr. Maxwell Evarts it is ordered that John J. Hawkins, Esquire, of Prescott, Territory of Arizona, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. K. Ralston it is ordered that Lee W. Grant, Esquire, of St. Louis, State of Missouri, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederic D. McKenney it is ordered that Edgar Allan Poe, Esquire, of Baltimore, State of Maryland, and A. E. Crane, Esquire, of Holton, State of Kansas, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

25. Nathan C. Jessup, Plff in Error, vs. The Trustees of the Freeholders and Commonalty of the Town of Southampton. In Error to the Supreme Court of the State of New York.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of New York, and was argued by counsel. On con-

adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed, for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

Minnie Kilpatrick, in her own right and as next friend of her minor children, Ethel Kilpatrick and Robbie Kilpatrick, Plaintiffs in Error, vs. The Choctaw, Oklahoma & Gulf Railroad Company. } In Error to the United States Circuit Court of Appeals for the Eighth Circuit.

30.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the United States Court for the Central District of the Indian Territory.

Per Mr. Chief Justice Fuller.

390. Seattle Dock Company, Plff in Error vs. Seattle and Lake Washington Waterway Company et al. — In Error to the Supreme Court of the State of Washington.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Washington, and on motions to dismiss or affirm which were argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

(Per Mr. Chief Justice Fuller.)

391. Cannel Coal Company, Plff in Error, vs. Seattle and Lake Washington Waterway Company et al. — In Error to the Supreme Court of the State of Washington.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Washington, and on motions to dismiss or affirm which were argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

(Per Mr. Chief Justice Fuller.)

264 of Oct. T. 1903. The Terre Haute & Indianapolis Railroad Company, Plff in Error, vs. The State of Indiana ex rel. William A. Ketcham, Attorney Genl.

On consideration of the motion for leave to file a petition for rehearing in this cause, It is now here ordered by the Court that said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

11, Original. State of Louisiana, Complainant, vs. State of Mississippi,

On consideration of the motion for leave to present the maps offered in evidence in this cause in atlas form instead of reproducing same, It is now here ordered by the Court that said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Fuller.

18. The Creede & Cripple Creek Mining and Milling Co., Petitioner, vs. The Uinta Tunnel Mining & Transportation Company.

It is ordered by the Court that this cause be, and the same is hereby, restored to the docket for reargument and assigned for Tuesday, January 3, 1905, after the cases heretofore assigned for that day.

Per Mr. Chief Justice Fuller.

381. Chesley C. Moses, Petitioner, vs. The United States. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, as well in support of, as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

386. A. P. Kenney, Claimant of the British Ship "Troop," et al., Petitioners, vs. Albert Louie. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

401. John J. Cochran et al., Petitioners, vs. The County of Montgomery. It is ordered by the Court that the further consideration of the pe-

certiorari herein be, and the same is hereby, postponed until Case No. 279 is considered.

Per Mr. Chief Justice Fuller.

No. 46. The Interstate Commerce Commission, Appellant, vs. The Nashville, Chattanooga & St. Louis Railway Co., et al. Appeal from the United States Circuit Court of Appeals for the Fifth Circuit.

This cause having been called to the attention of the Court by Mr. Solicitor General Hoyt, of counsel for the appellant, and a stipulation of counsel for the respective parties to dismiss this appeal having been filed, Therefore, in pursuance of said stipulation, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed, with costs.

Per Mr. Chief Justice Fuller.

No. 83. The Interstate Commerce Commission, Appellant, vs. The Southern Railway Co. Appeal from the United States Circuit Court of Appeals for the Fourth Circuit.

This cause having been called to the attention of the Court by Mr. Solicitor General Hoyt, of counsel, for the appellant, and a stipulation of counsel for the respective parties to dismiss this appeal

said stipulation, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed with costs.

(Per Mr. Chief Justice Fuller.)

74. The People of the State of New York ex rel. The Metropolitan Street Ry Co., Plff in Error, vs. The State Board of Tax Commissioners

75. The People of the State of New York ex rel. The Twenty-third Street Railway Co., Plff in Error, vs. The State Board of Tax Commissioners

76. The People of the State of New York ex rel. The Central Crosstown Railroad Co Plff in Error, vs. The State Board of Tax Commissioners

77. The People of the State of New York ex rel. The Consolidated Gas Co., Plff in Error, vs. The State Board of Tax Commissioners

78. The People of the State of New York ex rel. The New Amsterdam Gas Co., Plff in Error, vs. The State Board of Tax Commissioners

79. The People of the State of New York ex rel. The Brooklyn City Railroad Co., Plff in Error, vs. The State Board of Tax Commissioners

On motion of Mr. Elihu Root, of counsel for the plaintiff in error, It is ordered that these cases be, and they are hereby, passed subject to the provisions of Section 7 of Rule 26.

Ex parte In the matter of Albert Heff, Petitioner.) Mr. A. E. Crane, of Counsel for the petitioner, submitted to the Consideration of the Court a motion for leave to file a petition for a writ of habeas corpus and that the petitioner be admitted to bail pending the hearing.

178. Western Electric Supply Co., vs. Heff in Error
Abbeville Electric Light and Power Co. The motions to dismiss or affirm in this cause were submitted to the Consideration of the Court on the record and printed arguments by Mr. W. N. Graydon, in support of the same, and Mr. Lee W. Grant and Mr. J. N. Ralston, in opposition thereto.

162. Mrs. Beulah Schween et al, vs. Appellants,
J. C. Brown, Trustee &c. The motions to dismiss or affirm in this cause were submitted to the Consideration of the Court on the record and printed arguments by Mr. Robert E. Lee, in support of the same, and Mr. Daniel W. Jones, in opposition thereto.

397. Phyllis E. Dodge Reimant, vs. Petitioner,
The United States. The petition for a writ of Certiorari, herein was sub-

sideration of the Court on printed arguments by Mr. W. Wickham Smith, in support of the same, and Mr. Solicitor General Hoyt, in opposition thereto.

66. Siegmund Lubin, Appellant, vs. Thomas A. Edison. The motion to dismiss in this cause was submitted to the consideration of the Court on the record and a printed argument by Mr. Melville Church, in support of the same.

394. Pacific Mail Steamship Co., Owner &c., Petitioner, vs. Sarah Guyon, Admx &c. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Maxwell Evarts, in support of the same, and Mr. William Denman, in opposition thereto, and leave was granted Counsel for the respondent to file an additional brief within five days.

92. W. O. Johnson, Petitioner vs. Southern Pacific Company.

87. W. O. Johnson, Plff in Error, vs. Southern Pacific Company. These cases were argued by Mr. H. L. Maginnis, of Counsel for Johnson, Mr. Solicitor General Hoyt, on behalf of the United States, and Mr. Maxwell

314. The United States, Appellant, vs. F. G. Evans, Claimant &c. The argument of this cause was commenced by Mr. Assistant Attorney General, Mr. Reynolds, of Counsel for the appellant.

Proclamation being made the Court is adjourned, until tomorrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened;

On motion first made to the Court in this behalf by Mr. Frank L. Campbell it is ordered that Ralph Oakley, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

The State of Wisconsin, Complainant,
vs.
Ethan Allen Hitchcock, Secretary of the Interior.

No. 12, Original.

On motion of Mr. Assistant Attorney General Campbell, of counsel for the defendant, It is ordered that the time within which to file the answer of the defendant herein be, and the same is

314. The United States, Appellant
vs.
P. G. Evans, Claimant &c.

The argument of this cause was continued by Mr. Assistant Attorney General McReynolds, of counsel for the appellant, and concluded by Mr. Benjamin Carter, of counsel for the appellee, and leave was granted counsel for the appellee to file a printed brief.

315. Edward H. Anderson et al., In Error to the Court
vs. Plffs in Error, of Appeals of the
Baxter Morton. District of Columbia.

This cause having been called for hearing in its regular order, and it appearing to the Court, that the parties have failed to print the transcript of the record, &c., therefore, in pursuance of the tenth rule of this Court, now here ordered, and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed with costs.

(per Mr. Chief Justice Fuller.)

316. The Citizens National Bank of Kansas City, Mo, This cause was argued
vs. Plff in Error, by Mr. O. N.
M. S. C. Donnell. Dean, of counsel for the plaintiff in error, and Mr. E. P. Gannett, of counsel for the defendant in error.

37. The National Cotton Oil Company et al., Plffs in Error, vs. The State of Texas.

38. The Southern Cotton Oil Co., et al., Plffs in Error, vs. The State of Texas.

(The argument of these cases was commenced by Mr. William L. Rowe, of Counsel for the Plaintiffs in Error.)

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. A. L. Sanborn it is ordered that Louis K. Luse, Esquire, of Superior, State of Wisconsin, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

37. The National Cotton Oil Co., et al., Plffs in Error, v. The State of Texas.

38. The Southern Cotton Oil Co., et al., Plffs in Error, v. The State of Texas.

The argument of these cases was continued by Mr. William V. Rose of counsel for the plaintiffs in error.

Wednesday, November 2d, 1904, Continued.

of Counsel for the defendant in error, and concluded by Mr. R. S. Lovett, of Counsel for the plaintiffs in error.)

39. Baltimore Ship Building and Dry Dock Co. vs. The Mayor and City Council of Baltimore. et al.

The argument of this cause was commenced by Mr. E. P. Keech, Jr., of Counsel for the plaintiffs in error, and continued by Mr. Edgar Allan Poe, of Counsel for the defendants in error.)

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.
John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Walter Gresham it is ordered that Gustave J. Boucher, Esquire, of Omaha, State of Nebraska, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

39. Baltimore Ship Building and Dry Dock Co., Plff in Error, vs. The Mayor and City Council of Baltimore et al.

The argument of this cause was continued by Mr. Edgar Allan Poe, of counsel for the defendants in error,

Counsel for the plaintiff in error.)

110. Adolfo Sixto, Plff in Error, vs. Laureana Garcia.) This cause was submitted to the Court on the record and a printed argument by Mr. N. B. K. Pettengill, of counsel for the plaintiff in error. No counsel appeared for the defendant in error.)

113. Maria F. Thomas et al., vs. The Board of Trustees of the Ohio State University. This cause was argued by Mr. Lawrence Maxwell, Jr. of counsel for The Board of Trustees of the Ohio State University, and submitted on a printed argument by Mr. J. E. Sater, of counsel for Thomas et al.

112. Otto Olsen, Plff in Error, vs. A. D. Smith et al. This cause was argued by Mr. Walter Gresham, of counsel for the plaintiff in error, and Mr. James B. Stubbs, of counsel for the defendants in error.

111. The City of San Juan, Plff in Error, vs. The Saint Johns Gas Co. This cause was argued by Mr. Frederic D. McKinney, of counsel for the defendant in error, and

Pettingill, of counsel for the plaintiff in error.

147. Fannie N. Dresser Cramer et al, Plffs in Error, vs. Frederick R. Wilson. This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. F. W. Becker, Mr. R. A. Childs, and Mr. Charles Hudson, of counsel for the plaintiffs in error, and Mr. D. K. Tone and Mr. George Gillette, of counsel for the defendant in error.

148. The Texas & Pacific Railway Co., Plff in Error, vs. W. W. Swearingen. This cause was submitted to the consideration of the Court on record with leave to counsel for the plaintiff in error to file a printed brief within one week and to counsel for the defendant in error to file a printed brief within ten days thereafter.

149. John F. Hill, Plff in Error, vs. Warren E. McCord, Plaintiff in error. The argument of this cause was commenced by Mr. W. F. Bailey, of counsel for the

Proclamation being made, the Court is adjourned until tomorrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. W. S. Wood it is ordered that William Irvin Probert, Esquire, of San Francisco, State of California, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

51. The United States, Appellant, vs. Chicago, Milwaukee & St. Paul Railway Co., et al.

This cause was submitted to the consideration of the Court on the record & printed arguments by Mr. Assistant Attorney General Purdy, of counsel

W. H. Norris, and Mr. Andrew C. Dunn, of counsel for the appellees.

57. The Yazoo & Mississippi Valley Railroad Co., Plff in Error, vs. Henry Thuman. This cause was submitted to the Court on the record and printed argument by Mr. J. M. Dickinson and Mr. Edward Mayes, of counsel for the plaintiff in error. No counsel appeared for the defendant in error.

49. John F. Hill, Plff in Error, vs. Warren E. McCord. The argument of this cause was continued by Mr. W. F. Bailey, of counsel for the plaintiff in error, and Mr. Louis K. Luse, of counsel for the defendant in error, and concluded by Mr. W. F. Bailey, of counsel for the plaintiff in error.

51. Fred Rassmussen, Plff in Error, vs. The United States. This cause was argued by Mr. Assistant Attorney General Robb, of counsel for the defendant in error, and submitted on a printed argument by Mr. Robert W. Jennings, of counsel for the plaintiff in error.

Friday, November 4th, 1904. Continued.

53. National Exchange Bank of Piffin, Ohio, Plff in Error, v. Solon L. Wiley.

The argument of this cause was commenced by Mr. J. J. Boucher of counsel for the plaintiff in error, and continued by Mr. J. H. McIntosh, of counsel for the defendant in error.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Hoyt it is ordered that John C. Rose, Esquire, of Baltimore, State of Maryland, and Henry Burnett, Esquire, of Louisville, State of Kentucky, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Benjamin Mieou, it is ordered, that William Elliott, Jr., Esquire, of Columbia, State of South Carolina, be admitted to practice as an attorney and counsellor of this Court and,

On motion first made to the Court in this behalf by Mr. D. W. Baker it is ordered that Willon J. Lambert, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William A. Sules it is ordered that D. W. Robinson, Esquire, of Columbia, State of South Carolina, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

3. Andrew J. Aikens, Plff in Error, vs. The State of Wisconsin. In Error to the Supreme Court of the State of Wisconsin.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Wisconsin, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Holmes.

Dissenting:
Mr. Justice White.

11. Albert Huegin, Petitioner, vs. The State of Wisconsin. In Error to the Supreme Court of the State of Wisconsin.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Wisconsin, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Holmes.

Dissenting:
Mr. Justice White

5. Melvin A. Hoyt, Plff in Error, vs. The State of Wisconsin. In Error to the Supreme Court of the State of Wisconsin.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Wisconsin, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed, with costs.

Per Mr. Justice Holmes.

Dissenting:
Mr. Justice White.

77.	Richard C. Crawford and Edward A. Valentine, Plffs in Error, v. John E. Burke.	In Error to the Supreme Court of the State of Illinois.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, Reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Brown.

33.	Ricardo Amado, Plff in Error, v. The United States.	In Error to the District Court of the United States for the District of Porto Rico.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Dibbict of Porto Rico, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed, for the want of jurisdiction in this Court.

Per Mr. Justice Harlan.

8. Hugh Stevenson, Matilda C. Alloway, Paul C. Stevenson et al., Appellants, vs. William Fain, John Fain, Robert Fain et al. Appeal from the United States Circuit Court of Appeals for the Sixth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

66. Siegmund Lubin, Appellant, vs. Thomas A. Edison. Appeal from the United States Circuit Court of Appeals for the Third Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and on a motion to dismiss which was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

167. Mrs. Beulah Schweer and J. C. Norman, Appellants, v. J. C. Brown, Trustee for G. N. Schweer, Bankrupt. Appeal from the District Court of the United States for the Eastern District of Arkansas.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Arkansas, and on motions to dismiss or affirm which were argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

11, Original. Ex parte, In the matter of Albert Heff, Petitioner. On consideration of the motion for leave to file a petition for a writ of habeas corpus herein and to admit the petitioner to bail pending the hearing, It is now here ordered by the Court that leave be, and the same is hereby, granted to file said petition and that petitioner be admitted to bail on filing a bond conditioned according to law in the penal sum of one thousand dollars, to be approved by the District Judge for the District of Kansas.

Per Mr. Chief Justice Fuller.

Ex parte. In the matter of Albert Heff, Petitioner. 14, Original.

On consideration of the petition of Albert Heff, It is now here ordered by the Court that cause be shown by W. H. Mackey, United States Marshal in and for the District of Kansas, and the Keeper of the County Jail of Shawnee County, Kansas, before this Court, at the City of Washington, on Monday, November 28th, 1904, at 12 o'clock noon of that day, or as soon thereafter as counsel can be heard why a writ of habeas corpus should not be awarded as prayed.

Per Mr. Chief Justice Fuller.

Western Electrical Supply Co., Plff in Error, v. Abbeville Electric Light and Power Company. 178.

It is ordered, by the Court that the further consideration of the motion to dismiss or affirm in this cause be, and the same is hereby, postponed until the hearing of the cause on its merits.

Per Mr. Chief Justice Fuller.

Phyllis E. Dodge, Claimant, Petitioner, v. The United States. 397.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

On consideration of the petition for a writ of certiorari

for the Second Circuit, and of the argument of Counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

(per Mr. Chief Justice Fuller.)

399. Pacific Mail Steamship Company, owner of the Steamship "City of Rio de Janeiro," v. Petitioner, Sarah Guyon, Administratrix of Henry Guyon, deceased, &c.) On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

On Consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of Counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby denied.

(per Mr. Chief Justice Fuller.)

The Chief Justice announced that the Court would take a recess from Monday the 14th instant to Monday the 28th instant.

311. The United States, v. Appellant, Joe X. Coe.) Mr. Solicitor General Hoyt, of counsel for the appellant, submitted

Court a motion to advance this cause.)

235. Samuel M. Clyatt, vs. The United States. On motion of Mr. William G. Henderson, in behalf of counsel for Clyatt, It is ordered by the Court that this cause be, and the same is hereby, reassigned for argument on Monday, December 5th next.)

81. P. B. Lee, Jr., vs. N. S. Robinson. The motion on behalf of W. J. Burkett for leave, to file a printed brief and submit an argument herein, and a suggestion of diminution of the record and motion for writ of certiorari, were submitted to the consideration of the Court on printed arguments by Mr. William Elliott, Jr., in support of the same, and Mr. H. N. Lyles, of counsel for the plaintiff in error, and Mr. D. W. Robinson, of counsel for the defendant in error, in opposition thereto

47. Thomas J. Sparks, Presiding Judge &c., et al., vs. Frank C. Guthrie. Petitioners, The petition for a writ of certiorari, herein was submitted to the consideration of the Court on printed arguments by Mr. Henry Burnett, in support of the same, and Mr. D. W. Rob-

117. Frank D. Thompson, Trustee, vs. Plff in Error, Henry Fairbanks.

The motions to dismiss or affirm in this cause were submitted to the consideration of the Court on the record and printed arguments by Mr. C. A. Prouty, in support of the same, and Mr. Edward H. Deavitt, in opposition thereto.

175. George Schlosser, vs. Plff in Error, W. L. Hemphill et al.

The motion to dismiss in this cause was submitted to the consideration of the Court on the record and printed arguments by Mr. E. B. Evans, in support of the same, and Mr. Charles A. Clark, and Mr. George E. Clarke, in opposition thereto.

53. National Exchange Bank of Tiffin, Ohio, vs. Plff in Error, Solon L. Wiley.

The argument of this cause was concluded by Mr. J. J. Boucher, of counsel for the plaintiff in error.

44. The San Francisco National Bank, Appellant, vs. Washington Dodge, Assessor &c.

This cause was argued by Mr. H. S. Wood, of counsel for the appellant, and Mr. William Irvin Brobeck, of counsel for the appellee.

59. Sallie Field Scott et al., Appellants, vs. Lizzie W. Carew et al.

The argument of this cause was commenced by Mr. Henry W Anderson, of Counsel for the appellants.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Tuesday, November 8th, 1904.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.
John M. Wright, Esquire, Marshal
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

52. Sallie Field Scott et al., Appellants, vs. Lizzie W. Carew et al.) The argument of this cause was continued by Mr. Henry W. Anderson, of Counsel for the appellants, and Mr. W. Wade Hampton, Mr. Horatio Bisbee, and Mr. Edward R. Gunby, of Counsel for the appellees, and concluded by Mr. Francis P. Fleming, of Counsel for the appellants. Leave was granted Counsel for the appellees to file an additional printed brief and to Counsel for the appellants to file a reply thereto within five days.

55.	Andrew C. Keeby, Trustee, et al, Plffs in Error, vs. Joseph N. Moore et al,	The argument of, this cause was commenced by Wm. C. C. Cole, of Counsel for the plaintiffs in error.

Proclamation being made the Court is adjourned, until tomorrow at twelve o'clock.

Wednesday, November 7th, 1904.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

81. T. B. Lee, Jr., Plff in Error, vs. A. S. Robinson. On motion of Mr. William Elliott, Jr., leave is hereby granted him to file a brief in reply on the motions submitted herein on the 7th instant.

55. Andrew C. Keely, Trustee, et al., Plffs in Error, vs. Joseph A. Moore et al. The argument of this cause was continued by Mr. C. C. Cole, of counsel for the plaintiffs in error, and Mr. D. W. Baker and Mr. Milton J. Lambert, of counsel for the defendants in error, and concluded by Mr.

56. William B. Hetmore,)
W. (Aff in Error,
Annette B. Mankoe (formerly Annette B. H. Hetmore.)
Plaintiff in error.)

The argument of this Cause was commenced by Mr. William A. Keener, of counsel for the

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Thomas N. Clark it is ordered that Clad Hamilton, Esquire, of Topeka, State of Kansas, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

61. George F. Harding, Plff in Error, vs. The People of the State of Illinois.

This cause was submitted to the consideration of the Court on the record and printed argument by Mr. Robert S. Iles, of counsel for the defendants in error, and leave was granted counsel for the plaintiff

56. William B. Wetmore, vs. Plff in Error, Annette B. Marbloe (formerly Annette B. Wetmore.) The argument of this cause was continued by Mr. William A. Keener, of Counsel, for the plaintiff in error, and concluded by Mr. Flamen B. Candler, of Counsel for the defendant in error. Leave was granted Counsel for the defendant in error to file an additional brief within five days and, to Counsel for the plaintiff in error to file a reply thereto within five days thereafter.

58. Adolphus F. McClaine, vs. Plff in Error, George C. Rankin, Receiver &c. This cause was argued by Mr. P. O. Abbott, of Counsel for the plaintiff in error, and Mr. Francis F. Oldham, of Counsel for the defendant in error.

60. Spencer S. Bullis, vs. Plff in Error, James R. O'Beirne et al. The argument of this cause was commenced by Mr. Adelbert Moot, of Counsel for the plaintiff in error.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Friday, November 11th, 1904.

Pursuant to adjournment the Court met today at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.
John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Oscar Luckett it is ordered that A. Gordon McCrea, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

60. Spencer S. Bullis, Plff in Error, v. James R. O'Beirne et al.

The argument of this cause was continued by Mr. Adelbert Moot, of counsel for the plaintiff in error, and Mr. Frank Sullivan Smith, of counsel for the defendants in error, and concluded by Mr. Adelbert Moot, of counsel for the plaintiff in error.

64. William M. Meffert, vs. E. B. Packer et al., as The State Board of Medical Registration and Examination. } Writ of Error. } This cause was argued by Mr. Clad Hamilton, of Counsel for the defendants in error, and submitted on a printed argument by Mr. J. Jay Buck, of Counsel for the plaintiff in error.

67. Abraham Wolff vs. The District of Columbia. } Writ of Error. } This cause was argued by Mr. John C. Gittings, of Counsel for the plaintiff in error, and Mr. E. H. Thomas, of Counsel for the defendant in error.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock M.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Hoyt it is ordered that E. G. Sebree, Esquire, of Henderson, State of Kentucky, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. N. Robeson it is ordered that William D. Coad, Esquire, of Rapid City, State of South Dakota, and George P. Ormsby, Esquire, of Washington, District of Columbia, be admitted to practice as attorneys and counsellors of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederic D. McKenney it is ordered that Henry G. Gray, Esquire, of New York City, be admitted to practice, as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry S. Robbins it is ordered that Charles R. Holden, Esquire, of Chicago State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

107. Caroline W. Dobbins, vs. The City of Los Angeles. Griffin Error. In Error to the Supreme Court of the State of California.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of California, and was argued by Counsel. On consideration whereof, it is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not in conflict with the opinion of this Court.

108. Martin Daly, Plff in Error vs. Charles Elton, Chief of Police of the City of Los Angeles. In Error to the Supreme Court of the State of California.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of California, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion in the case of Dobbins v. City of Los Angeles, No. 107.

Per Mr. Justice Day.

70. William A. Wright, Comptroller General, Petitioner, vs. The Louisville & Nashville Railroad Company and The Atlantic Coast Line Railroad Company. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel. On consideration whereof, It is now

that the decree of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the Northern District of Georgia with directions to dismiss the Bill of Complaint.

(Per Mr. Justice Holmes)

163. Maria F. Thomas and George Folsom, vs. The Board of Trustees of the Ohio State University. On certificate from the United States, Circuit Court of Appeals for the Sixth Circuit.

This cause came on to be heard on a certificate from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel. On consideration whereof, It is the opinion of this Court that the first question certified must be answered in the negative. To the second question the answer is that as the Board was entitled to sue and be sued by their collective name, and would be bound by any judgment rendered against it, the jurisdiction of the Circuit Court would have sufficiently appeared, so far at least as the pleadings were concerned, without bringing the several persons constituting the Board before the Court as defendants, provided the Bill had contained the additional allegation that each

branch of the third question must be answered in the negative.) Whereupon, It is now here ordered by this Court that it be so certified to the said United States Circuit Court of Appeals with liberty to that Court to authorize such amendment of the bill as will show jurisdiction.

(Per Mr. Justice Harlan.)

57. The Yazoo & Mississippi Valley Railroad Company, Plff in Error, v. Henry Truman. In Error to the Circuit Court of Franklin County, State of Mississippi.

This cause came on to be heard on the transcript of the record from the Circuit Court of Franklin County, State of Mississippi, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court for further proceedings.

(Per Mr. Chief Justice Fuller.)

64. William M. Meffert, Plff in Error, vs. E. B. Decker, G. F. Johnston, S. W. Willitson et al., Being All Constituting The State Board of Medical Registration and Examination. In Error to the Supreme Court of the State of Kansas.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Kansas and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Fuller.

81. T. B. Lee, Jr., Plff in Error, vs. A. S. Robinson. On consideration of the motion on behalf of W. D. Purkett for leave to file a printed brief and submit an argument in this cause,

It is now here ordered by the Court that leave be, and the same is hereby, granted to counsel, for said W. D. Purkett to file a printed brief, herein as amicus curiae. It is further ordered that the further consideration of the suggestion of diminution of the record and motion for a writ of certiorari, herein be, and the same is hereby, postponed until the hearing of the cause on the merits.

Per Mr. Chief Justice Fuller.

117. Frank D. Thompson, Trustee, Aff'in Error, vs. Henry Fairbanks.) It is ordered by the Court that the further consideration of the motions to dismiss or affirm in this cause be, and the same is hereby, postponed until the hearing of the cause on the merits.

(Per Mr. Chief Justice Fuller.)

175. George Schlosser, Aff'in Error, vs. H. L. Hemphill et al.) It is ordered by the Court that the further consideration of the motion to dismiss in this cause be, and the same is hereby, postponed until the hearing of the cause on the merits.

(Per Mr. Chief Justice Fuller.)

314. The United States, Appellant, vs. Jock Coe.) On consideration of the motion to advance this cause, It is now here ordered by the Court that said motion be, and the same is hereby, granted, and the cause assigned for argument on Tuesday, January 31, 1905, after the cases heretofore assigned for that day. It is further ordered that Cases Nos. 315 and 316 be advanced and heard with this case.

(Per Mr. Chief Justice Fuller.)

Thomas J. Sparks, Presiding Judge of Mahlenberg County Court, et al., Petitioners,
vs.
Frank C. Guthrie.
1117. In petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the arguments of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

The U.S. ex rel. Frank B. Edwards, Lieutenant &c.,
vs. Appeal in Error.
Elihu Root, Secretary of War et al.
301. The motion to dismiss in this cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Solicitor General Hoyt, in support of the same, and Mr. Henry A. Craig and Mr. J. W. Catharine, in opposition thereto.

The United States,
vs. Petitioner,
Morris White Bridge et al.
443. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Solicitor

eral McReynolds, in support of the same, and Mr. Albert Comstock, Mr. A. B. Browne, and Mr. W. R. Sims, in opposition thereto, and leave was granted counsel for the respondents to file an additional brief within three days and to counsel for petitioner to file a reply thereto within five days thereafter.

415. Atlanta, Knoxville & Northern Railway Company, Petitioner, vs. Southern Railway Company. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Charles N. Burch, in support of the same, and Mr. Alexander Pope Humphrey, in opposition thereto.

409. Stanley Instrument Co., Petitioner, vs. Westinghouse Electric and Manufacturing Company. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. C. C. Mitchell, Mr. H. A. Kenyon, and Mr. H. B. Brownell, in support of the same, and Mr. H. K. Richardson and Mr. J. B. Kerr, in opposition thereto.

The Ideal Stopper Company of Baltimore City, et al., vs. The Crown Cork and Seal Company of Baltimore City, Petitioners. 425.

The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Reeve Lewis and Mr. Philip Mauro, in support of the same, and Mr. R. H. Parkinson and Mr. John C. Rose, in opposition thereto.

George W. Sample, vs. The American Soda Fountain Company et al., Petitioner, 422.

The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. W. G. Henderson, in support of the same, and Mr. Joshua Pusey, in opposition thereto.

Frederick A. Shelton, vs. The American Surety Co., of New York, Petitioner, 403.

The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Carter, Berkeley Taylor, in support of the same, and Mr. A. Gordon McCouch, in opposition thereto.

1118. Goldenberg Brothers & Company, Petitioners, v. The United States. The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. Thomas A. Clark, in support of the same, and leave was granted Counsel for the Respondent to file a brief in opposition thereto within five days.

426. Armour Packing Co., Petitioner, v. The Metropolitan Water Co. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. James Russell Soley, in support of the same, and Mr. Joseph Coult, in opposition thereto.

214. Charles F. Dodge, Appellant, v. George Ellis et al. The motions to dismiss or affirm in this cause, were submitted to the consideration of the Court on the record and printed arguments by Mr. Henry G. Gray and Mr. Howard St. Clair, in support of the same, and leave was granted Counsel for the appellant to file a brief in opposition thereto within five days and to Counsel for the appellees to file a reply thereto within three days thereafter.

424. Union Trust Company et al, vs. Henry L. Wilson, Trustee &c. The motion to advance this cause for hearing with Case No. 139 was submitted to the consideration of the Court by Mr. A. S. Robbins, in support of the same, and Mr. Joseph E. Paden and Mr. Newton Myers, in opposition thereto, and leave was granted Mr. Robbins to file a brief in reply within five days.

280. The L. A. Kinsey Co., et al, Petitioners, vs. The Board of Trade of the City of Chicago. The motion to advance this cause for hearing with Case No. 744 was submitted to the consideration of the Court by Mr. A. S. Robbins, of counsel for the respondent, in support of the same, and Mr. J. J. Kern, Mr. John A. Brown, and Mr. C. D. Fullen, of counsel for the petitioners in this case, and Mr. James H. Hankless, Mr. Clifford Histed, Mr. W. H. Rossington, and Mr. Charles Blood Smith, of counsel for the respondent in case No. 744, in opposition thereto, and leave was granted Mr. Robbins to file a reply brief within six days.

Proclamation being made the Court is adjourned until Monday the 18th instant at twelve o'clock

Monday, November 26th, 1906.

Pursuant to adjournment the Court met to-day at the Capitol.

Present:

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Attorney General Moody it is ordered that Arthur P. Rugg, Esquire, of Worcester, and Wade Keyes, Esquire, of Boston, State of Massachusetts, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. James P. Helm it is ordered that T. B. Harris[illegible], Jr., Esquire, of Louisville, State of Kentucky, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel Maddox it is ordered that N. Roscoe Gatley, Esquire, of Washington, District of Columbia be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Pearce Horne it is ordered that David S. Lansden, Esquire, of Cairo, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. J. Darlington it is ordered that Minter Wimberly, Esquire, of Macon, State of Georgia be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward C. Goodwin it is ordered that Ralph Wormelle, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas H. Clark it is ordered that John M. Calhoun, Esquire, of Marianna, State of Florida, and Jay Good, Esquire, of El Paso, State of Texas

sellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. W. Baker it is ordered that Anderson B. Lacey, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. L. Stone it is ordered that W. O. Davis, Esquire, of Versailles, and N. B. Hays, Esquire of Frankfort, State of Kentucky, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. B. F. Washer it is ordered that William Furlong, Esquire, of Louisville, State of Kentucky, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. B. Lamar it is ordered that William B. Sheppard, Esquire, of Pensacola, State of Florida, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

27. The Helena Water Works Company, Appellant, vs. The City of Helena. Appeal from the United States Circuit Court of Appeals for the Ninth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals in this cause be, and the same is hereby affirmed with costs; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the District of Montana. per Mr. Justice Day.

29. The City of Seattle, Appellant, vs. Daniel Kelleher, Administrator of John W. Thompson, deceased. Appeal from the Circuit Court of the United States for the District of Washington.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Washington, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, reversed with costs,

manded to the said Circuit Court with directions to dismiss the bill.

Per Mr. Justice Holmes.

Dissenting:
Mr. Justice Harlan and
Mr. Justice Brown.

34. The United States, Appellant, vs. F. G. Evans, Claimant of the British Steamship "Blackheath." Appeal from the District Court of the United States for the Southern District of Alabama.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of Alabama, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Holmes.

36. The Citizens National Bank of Kansas City, Missouri, vs. M. S. C. Donnell. Pltff in Error, In Error to the Supreme Court of the State of Missouri.

This cause came on to be heard on the transcript of

the record from the Supreme Court of the State of Missouri, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Holmes.

39. Baltimore Shipbuilding and Dry Dock Company, of Baltimore City, Plaintiff in Error, v. The Mayor and City Council of Baltimore et al. In Error to the Court of Appeals of the State of Maryland.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the State of Maryland, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Appeals in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Holmes.

26. Clarence D. Birkett, Plff in Error, v. The Columbia Bank. In Error to the Supreme Court of the State of New York.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of

sideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

(Per Mr. Justice McKenna.)

Otto Olsen,
Plff in Error
vs.
A. D. Smith, L. Huth, L. Best et al.

No. 142.

In Error to the Court of Civil Appeals for the Fourth Supreme Judicial District of the State of Texas.

This cause came on to be heard on the transcript of the record from the Court of Civil Appeals for the Fourth Supreme Judicial District of the State of Texas, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Civil Appeals in this cause be, and the same is hereby, affirmed with costs.

(Per Mr. Justice White.)

Metropolitan Railroad Company,
Appt and Plff in Error,
vs.
Henry D. F. Macfarland, Henry L. West and John Biddle, Commissioners of the District of Columbia.

No. 16.

Appeal from and In Error to the Court of Appeals of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the District of Columbia, and was argued by counsel.

by this Court that this appeal be, and the same is, hereby, dismissed with costs. And it is further ordered and adjudged by this Court that the judgment of the said Court of Appeals in this cause, be, and the same is hereby, affirmed with costs.

(Per Mr. Justice White.)

93. C. Ewing Patterson et al., Appellants, vs. John G. Hewitt et al. Appeal from the Supreme Court of the Territory of New Mexico.

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory of New Mexico, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Supreme Court in this cause be, and the same is hereby, affirmed, with costs.

(Per Mr. Justice Brown.)

17. Joseph S. Kaufman, Plff in Error, vs. N. P. Tredway, Trustee of the estate of Gustave Kaufman, Bankrupt. In Error to the Superior Court of the State of Pennsylvania.

This cause came on to be heard on the transcript of the record from the Superior Court of the State of Pennsylvania, and was argued by counsel

and adjudged by this Court that the judgment of the said Superior Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Superior Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr Justice Brewer.

157. Emma S. Fayerweather and Mary W. Achter, Appellants, vs. Thomas G. Ritch et al., individually and as Executors &c., et al.

158. John B. Reynolds, as sole Executor of the last will and codicil of Lucy Fayerweather, deceased, Appellant, vs. Thomas G. Ritch et al., individually and as Executors &c., et al.

Appeals from the Circuit Court of the United States for the Southern District of New York.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York, on separate appeals, and was argued by Counsel,

On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr Justice Brewer.

53. National Exchange Bank of Tiffin, Ohio, Plff in Error, vs. Solon L. Wiley. In Error to the Supreme Court of the State of Nebraska.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Nebraska, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Harlan.

Dissenting:
Mr. Justice Brown and
Mr. Justice McKenna.

151. Maggie A. Bradford vs. Southern Railway Company. On a certificate from the United States Circuit Court of Appeals for the Sixth Circuit.

This cause came on to be heard on a certificate from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by Counsel. On consideration whereof, It is the opinion of this Court that the questions certified must be answered in the negative. Whereupon, It is now here ordered by this Court that it be so certified to the said United States Circuit Court of Appeals.

Per Mr. Chief Justice Fuller.

976. John T. Neu,
vs. Plff in Error,
The Territory of Oklahoma.

In Error to the Supreme Court of the Territory of Oklahoma.

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory of Oklahoma, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

Ignacio Rosales y Ueli,
vs. Plff in Error,
Dolores Moya y Rodriguez, Guardian &c.

On consideration of the motion to docket and dismiss this cause, It is now here ordered by the Court that said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

280. The L. A. Kinsey Co., et al.,
vs. Petitioners,
The Board of Trade of the City of Chicago.

On consideration of the motion to advance this cause for hearing with case No. 724, and of the argument of Counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that the motion to advance be, and the same

gument immediately after case No. 924.
(per Mr. Chief Justice Fuller.)

1124. Union Trust Company et al., vs. Henry L. Wilson, Trustee &c. On consideration of the motion to advance this cause for hearing with case No. 129, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said motion be, and the same is hereby, denied, but without prejudice to the advancement and submission of the cause as under Rules 31 and 6.
(per Mr. Chief Justice Fuller.)

1113. The United States, Petitioner, vs. Morris Whitridge and Richard J. White, trading as Whitridge, White & Co. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, granted.
(per Mr. Chief Justice Fuller.)

1103. Frederick N. Shelton, Petitioner, v. The American Surety Company of New York. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

(per Mr. Chief Justice Fuller.)

1105. The Ideal Stopper Company of Baltimore City et al., Petitioners, v. The Crown Cork and Seal Company of Baltimore City. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

(per Mr. Chief Justice Fuller.)

409. Stanley Instrument Company, Petitioner, vs. Westinghouse Electric and Manufacturing Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

415. Atlanta, Knoxville & Northern Railway Company, Petitioner, vs. Southern Railway Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fu[illegible]

418. Goldenberg Brothers & Company, Petitioners, vs. The United States. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit,

herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by this Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

1427. George W. Sample, Petitioner, vs. The American Soda Fountain Company et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

1426. Armour Packing Company, Petitioner, vs. The Metropolitan Water Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the

438. The United States, Petitioner, vs. George E. Cadarn et al.

The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. Solicitor General Hoyt, in support of the same.

301. The United States ex rel. Frank B. Edwards, Lieutenant &c., vs. Plff in Error, Elihu Root, Secretary of War, et al.

On motion of Mr. Solicitor General, Hoyt, of counsel for the defendants in error in this cause, It is ordered by the Court that William H. Taft, as Secretary of War, and Fred C. Ainsworth, Military Secretary, be substituted and made parties defendants in error herein, in place of Elihu Root and Henry C. Corbin.

214. J. W. Doney et al., vs. Plffs in Error, The Mayor and City Council of the City of Macon.

The motions to dismiss or affirm in this cause were submitted to the consideration of the Court on the record and printed arguments by Mr. Minter Wimberly, in support of the same, and Mr. J. R. Cooper, in opposition thereto.

201. W. J. Warder, vs. Plff in Error, Mrs. Laura Loomis et al.

The motion to dismiss, in this cause was submitted to the consideration of the Court on the

Patterson, in support of the same, and Mr. Jay Good, in opposition thereto.

137. The City of Oklahoma City, Plff in Error, v. Frank McMaster. The motions to dismiss or affirm in this cause were submitted to the consideration of the Court on the record and printed arguments by Mr. Chester Howe and Mr. F. J. Kearful, in support of the same, and Mr. A. G. C. Dierer, in opposition thereto.

150. R. E. Hodge et al., Plffs in Error, v. Muscatine County et al. On motion of Mr. Junius Parker, of counsel for the plaintiffs in error, It is ordered by the Court that this cause be, and the same is hereby, advanced and assigned for argument with case No. 78, as one case.

170. The Louisville & Nashville Railroad Company, Plff in Error, v. The Barber Asphalt Paving Co., et al. The motions to dismiss or affirm in this cause were submitted to the consideration of the Court on the record and printed arguments by Mr. William Furlong, Mr. H. L. Stone, and Mr. D. F. Washer, in support of the same, and Mr. Helm Bruce and Mr. James P. Helm, in opposition thereto.

The Baltimore & Ohio Coal Company, Petitioner,
v.
430. The Colonial Trust Co., Trustee, et al.

The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Harry B. Arnold, in support of the same, and Mr. Louis Marshall and Mr. John A. Doyle, in opposition thereto, and leave was granted to counsel for the petitioner to file a brief in reply within two days.

Joseph B. Bartram et al., Petitioners,
428. v.
The United States.

Benjamin A. Howell et al., Petitioners,
429. v.
The United States.

The American Sugar Refining Co., Petitioner,
430. v.
The United States.

The petition for writs of certiorari in these cases was submitted to the consideration of the Court on printed arguments by Mr. H. B. Closson and Mr. John E. Parsons, in support of the same, and Mr. Solicitor General Hoyt, in opposition thereto.

New York Baking Powder Company et al., Petitioners,
431. v.
Rumford Chemical Works.

The petition for a writ of certiorari herein was submitted to the consideration of the

V. Briesen and Mr. Paul Bakewell, in support of the same, and Mr. Philip Mauro, in opposition thereto.

441. W. J. McCahan Sugar Refining Co., Petitioner, vs. The Steamship "Wilderoft" &c. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. N. L. Cheyney and Mr. John T. Lewis, in support of the same, and Mr. J. Parker Kirlin, in opposition thereto.

362. The Madisonville Traction Company, Appellant, vs. The Saint Bernard Mining Co. This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. N. T. Critchfield and Mr. David W. Fairleigh, of counsel for the appellant, and Mr. E. G. Sebree, of counsel for the appellee.

13, Original. Ex parte In the matter of The Republic of Colombia, Petitioner. This case was argued by Mr. William G. Johnson, of counsel for the petitioner, and Mr. John W. Beaumont, of counsel for the respondent.

97. A. L. Smalley et al., vs. Plffs in Error, George F. Langenour et al. This cause was submitted to the consideration of the Court, pursuant to the 30th rule, on the record and printed arguments by Mr. Charles S. Voorhees and Mr. R. H. Voorhees, of counsel for the plaintiffs in error, and Mr. H. C. Keigwin of counsel for the defendants in error.

63. Charles A. Utermehle, vs. Plff in Error, Mamie E. Norment et al. The argument of this cause was commenced by Mr. Wilton J. Lambert, of counsel for the plaintiff in error, and continued by Mr. A. S. Worthington, of counsel, for the defendants in error.

Proclamation being made the Court is adjourned, until tomorrow at twelve o'clock.

Tuesday, November 29th, 1904.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Allan L. McDermott it is ordered that James A. Gordon, Esquire, of Jersey City, State of New Jersey, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

7, Original. The State of Kansas, Complainant, vs. The State of Colorado et al., Defendants. The United States, Intervenor.

On motion of Mr. Assistant Attorney General Campbell, of counsel for the United States, intervenor herein, and

to this cause, It is ordered by the Court that the parties to this cause be permitted to prepare and print an abstract of the evidence taken and to be taken in this cause, and to file the same with the Clerk of this Court in lieu of the printing of the original evidence.

It is further ordered that the Commissioner appointed by this Court to take and report the evidence in this cause shall, as soon as the evidence is taken and completed, file a written report of the same with the Clerk of this Court.

And it is further ordered that the parties be allowed to print said abstract at their own expense.

Per Mr. Chief Justice Fuller.

63. Charles A. Utermehle, Plff in Error, vs. Mamie E. Norment et al. The argument of this cause was continued by Mr. A. S. Worthington, of counsel for the defendants in error, and concluded by Mr. D. W. Baker, of counsel for the plaintiff in error.

244. Gus G. Coulter et al., Appellants, vs. The Louisville & Nashville Railroad Company. The argument of this cause was commenced by Mr. William C. Davis, of counsel,

P. Helm, of counsel for the appellee, and M. K. L. Stone, of counsel for the appellants.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White, Associate
Rufus W. Peckham, Justices
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,

John M. Wright, Esquire, Marshal.
James A. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. John G. Thompson it is ordered that Guy M. MacDowell, Esquire, of Danville, State of Illinois, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. M. C. Burch it is ordered that Jesse A. Frye, Esquire, of Seattle, State of Washington, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. H. N. A. Miller it is ordered that Maurice Winfield, Esquire, of Logansport, State of Indiana, and Carroll T. Bond and George Weems Williams, Esquires, of Baltimore, State of Maryland, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. J. Jenkins it is ordered that Benjamin F. Hutchins, Esquire, of Minneapolis, State of Minnesota, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Gus G. Coulter et al.,
Appellants,
vs.
The Louisville & Nashville Railroad Company.
No. 244.

The argument of this cause was concluded by Mr. H. L. Stone, of counsel for the appellants.

Joseph Ralph Burton,
Plff in Error
vs.
The United States.
No. 348.

On motion of Mr. John T. Dillon, of counsel for the plaintiff in error,

It is ordered by the Court that counsel on each side be allowed three hours for the argument of this cause.

3113 Joseph Ralph Burton, Plff in Error,
v.
The United States.

The argument of this cause was commenced by Mr. John F. Dillon, of counsel for the plaintiff in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
} Associate Justices

John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made, the Court is opened.

On motion first made to the Court in this behalf by Mr. E. C. Field it is ordered that Harry R. Kurrie, Esquire, of Rensselaer, State of Indiana, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Alfred W. Carter, guardian &c., Plff in Error,
vs.
George D. Gear, Second Judge &c.
} Mr. W. F. Mattingly, of counsel for the Plaintiff in Error, submitted to the

444. Consideration of the Court a motion for a restraining order herein.

80. The People of the State of New York ex rel. The Coney Island & Brooklyn Railroad Co., Plff in Error, vs. The State Board of Tax Commissioners.

It is ordered by the Court that this cause be, and the same is hereby passed to abide the decision in Cases Nos. 74, 75, 76, 77, 78 and 79, per stipulation of counsel.

243. Joseph Ralph Burton, Plff in Error, vs. The United States.

The argument of this cause was continued by Mr. Solicitor General Hoyt, of counsel for the defendant in error, and concluded by Mr. Fred W. Lehmann, of counsel for the plaintiff in error. Leave was granted counsel for the defendant in error to file an additional brief within three days and to counsel for the plaintiff in error to file a reply thereto within three days thereafter.

65. Martha S. Hunt, Plff in Error, vs. The Springfield Fire and Marine Insurance Co.

The argument of this cause was commenced by Mr. John C. Fitzpatrick, of counsel for the plaintiff in error and continued by Mr. A. B. Duvall, of counsel for the defendant in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.
John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Hoyt it is ordered that Adolphe Danziger, Esquire, of San Francisco, State of California, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. B. Cruikshank it is ordered that Gilbert D. Lamb, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

82. Adams Express Company, Plff in Error, vs. The State of Iowa. On motion of Mr. Lawrence Maxwell, Jr., of Counsel for the plaintiff in error, it is ordered by the Court that this cause be, and the same is hereby, advanced and assigned for argument with Case No. 67, as one case.

65. Martha J. Hunt, Plff in Error, vs. The Springfield Fire and Marine Insurance Co. The argument of this cause was concluded by Mr. D. W. Baker, of Counsel for the plaintiff, in error.

67. The American Express Co. et al, Plffs in Error, vs. The State of Iowa.

87. Adams Express Company, Plff in Error, vs. The State of Iowa. The argument of these cases was commenced by Mr. Lawrence Ledyard, of Counsel for the plaintiffs in error in No. 67, continued by Mr. Charles W. Mullen, of Counsel for the defendant in error, and concluded by Mr. Lawrence Maxwell, Jr., of Counsel for the plaintiff in error in No. 87.

68. The United States, Appellant, vs. The United Verde Copper Co. This cause was argued by Mr. M. C. Burch, of Counsel for the appellant, and

69. The Chicago, Indianapolis & Louisville Railway Co., vs. Riff in Error, Petrie & McGuire et al.

The argument of this cause was commenced by Mr. Harry R. Kurrie, of Counsel for the plaintiff in error.

Proclamation being made the Court is adjourned, until Monday next at twelve o'clock M.

Pursuant to adjournment the Court met to-day at the Capitol.

Present:

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Henry C. Terry it is ordered that Abraham Sharp and Edwin G. Baetjer, Esquires, of Baltimore, and William P. Maulsby, Jr. Esquire, of Frederick, State of Maryland, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf, by Mr. Solicitor General Hoyt it is ordered that Oliver E. Pagin, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn,

On motion first made to the Court in this behalf by Mr. C. A. Douglass it is ordered that Charles S. Davis, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Fred Williams it is ordered that Frederick A. Nash, Esquire, of Boston, State of Massachusetts, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

15. The United States and The Kiowa Indians, Appellants, v. Juan B. Martinez, Administrator of Julio Martinez deceased. Appeal from the Court of Claims.

This Cause came on to be heard on the transcript of the record from the Court of Claims, and was argued by Counsel. On Consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Court of Claims with directions to dismiss the petition.

Per Mr. Justice Day.

Dissenting:
Mr. Justice White and
Mr. Justice McKenna.

10. Henry Lockhart, Appellant, v. N. C. Leeds, J. A. Johnson, Julia A. Johnson et al. Appeal from the Supreme Court of the Territory of New Mexico.

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory of New Mexico, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Supreme Court and the decree of the District Court in and for the County of Bernalillo in this cause be, and the same are hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court with directions to remand it to the District Court for the Second Judicial District of the Territory of New Mexico, within and for the County of Bernalillo, with directions to overrule the defendant's demurrer and with leave to answer upon such terms as may seem proper to that Court.

Per Mr. Justice Peckham.

11. The Northern Pacific Railway Company, Appellant, v. The American Trading Company. Appeal from the United States Circuit Court of Appeals for the Second Circuit.

This cause came on to be heard on the transcript of

Appeals for the Second Circuit, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the Southern District of New York.

Per Mr. Justice Peckham.

94. The United States, Appellant, v. Charles M. Thomas. Appeals from the Court of Claims.

95. Charles M. Thomas, Appellant, v. The United States.

This cause came on to be heard on the transcript of the record from the Court of Claims, on appeal and cross-appeal, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Court of Claims with directions to dismiss the petition.

Per Mr. Justice Brown.

47. Fannie N. Dresser Cramer, Taylor A. Snow, and Henry H. Gage, Plffs in Error, vs. Frederick R. Wilson. In Error to the Supreme Court of the State of Illinois.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Brown

48. John F. Hill vs. Warren E. McCord, Plff in Error. In Error to the Supreme Court of the State of Wisconsin.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Wisconsin, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Brewer

911. J. W. Toney et al., (Plffs in Error,) vs. The Mayor and Council of the City of Macon. } In Error to the Supreme Court of the State of Georgia.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Georgia, and on motions to dismiss or affirm which were argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

219. Charles F. Dodge, Appellant, vs. George Ellis and John J. Herlihy. } Appeal from the District Court of the United States for the Southern District of Texas.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of Texas, and on motions to dismiss or affirm which were argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the final order of the said District Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Fuller.

301. The United States ex rel. Frank B. Edwards, Lieutenant of Artillery United States Army, Plff in Error, vs. William H. Taft, Secretary of War, et al. In Error to the Court of Appeals of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the District of Columbia, and on a motion to dismiss which was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same, is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

6. Jose Antonio Fernandez y Perez, Plff in Error, vs. Jose Perez y Fernandez.

Counsel are requested to submit additional briefs on these points:

1. Can this Court, on the record of this case, properly consider and determine the contention of plaintiff in error that a civil action like the present one was, at the date of the attachment, and the commencement of this action unknown to and unauthorized by the laws and jurisprudence of Porto Rico?

2. Was a civil action like the present one known to the laws and jurisprudence of Porto Rico at the

3. Under the law of Civil Procedure as existing in Porto Rico at the time of the attachment proceeding complained of, could the damages herein claimed have been allowed or assessed in that proceeding upon the dissolution or discharge of the attachment? If so, was that mode exclusive of every other for ascertaining such damages?

(Per Mr. Chief Justice Fuller.)

137. The City of Oklahoma City, Plff in Error, vs. Frank McMaster.

170. The Louisville & Nashville Rail-road Company, Plff in Error, vs. The Barber Asphalt Paving Company et al.

It is ordered by the Court that the further consideration of the motions to dismiss or affirm in these cases be, and the same is hereby postponed until the hearing of the cases on the merits.

(Per Mr. Chief Justice Fuller.)

201. W. J. Harder, Plff in Error, vs. Mrs. Laura Loomis et al.

It is ordered by the Court that the further consideration of the motion to dismiss in this cause be, and the same is hereby postponed until the hearing of the cause on the merits.

(Per Mr. Chief Justice Fuller.)

400. The Baltimore & Ohio Coal Company, Petitioner, vs. The Colonial Trust Company, Trustee, et al. On petition for writ of Certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

428. Joseph B. Bartram, Joseph Percy Bartram, and Seth W. Fox, composing the firm of Bartram Brothers, Petitioners, vs. The United States. On petition for writ of Certiorari to the United States Circuit Court of Appeals for the Second Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals, for the Second Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

Benjamin A. Howell, Frederick A. Howell, and James A. Post, composing the firm of Benjamin A. Howell Son & Company, Petitioners,
v.
The United States.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

479.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

The American Sugar Refining Company, Petitioner,
v.
The United States

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

480.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

432. New York Belting & Packing Company et al., Petitioners. vs. Rumford Chemical Works. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

438. The United States, Petitioner, vs. George E. Cadarr et al. On petition for writ of certiorari to the Court of Appeals of the District of Columbia.

On consideration of the petition for a writ of certiorari herein to the Court of Appeals of the District of Columbia, and of the argument of counsel in support of the same, It is now here ordered by the Court that said petition be, and the same is hereby, granted.

Per Mr. Chief Justice Fuller.

441. W. J. McCahan Sugar Refining Company, Petitioner, vs. The Steamship "Wilder" &c. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, granted.

(Per Mr. Chief Justice Fuller.)

Alfred W. Carter, guardian of the property of Annie P. K. Parker, a minor,
Pltff in Error,
v.
George D. Gear, Second Judge of the Circuit Court of First Circuit, Territory of Hawaii, et al.
No. 1117.

(On consideration of the motion of the plaintiff in error for a restraining order herein, It is now here ordered by the Court that cause be shown by the defendants in error in this cause on Monday, February 27, 1905, why the order applied for should not be granted, and that said defendants in error be, and they are hereby, restrained from further proceedings in this cause until this rule to show cause is disposed of.

It is further ordered that this cause be, and the same is hereby, advanced and assigned for argument on the merits on Monday, February 27, 1905.

(Per Mr. Chief Justice Fuller.)

91. Domingo Felici and Santiago F. Lorenzi, trading under the firm name of Felici & Co., vs. George W. Whitehead. } In Error to the Circuit Court of the United States for the Southern District of New York.

This cause having been called to the attention of the Court by Mr. Solicitor General Hoyt, of counsel for the defendant in error, and a stipulation of counsel for the respective parties to dismiss the writ of error in this cause having been filed, Therefore, in pursuance of said stipulation, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed.

Per Mr. Chief Justice Fuller.

92. Joshua Bishop, vs. The United States. } Appellant. On motion of Mr. Solicitor General Hoyt, of counsel for the appellee, It is ordered by the Court that this cause be, and the same is hereby, dismissed subject to the provisions of section 9 of Rule 16.

1436. Edgar A. Davis et al., vs. A. Booth & Co. } Petitioners. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Fred A. Baker, in support of the same, and Mr. Henry

opposition thereto, and leave was granted Counsel for petitioner to file a brief in reply within four days.

339. Blue Mountain Iron and Steel Co., of Baltimore City, vs. Petitioner, Frank Portner et al., The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Henry C. Perry, in support of the same, and Mr. Bernard Cirker and Mr. J. Kemp Bartlett, in opposition thereto, and leave was granted Counsel for the petitioner to file a brief in reply within three days.

447. The Salt River Valley Canal Company, vs. Appellant, Henry E. Slosser. Mr. Charles J. Kappler, of Counsel for the appellee, having filed, in open Court the following certificate to wit:

"In the Supreme Court of the Territory of Arizona.

Henry E. Slosser, Plaintiff & Appellant, vs. The Salt River Valley Canal Company, a corporation, Defendant & Appellee. } No. 737.

I, Shelby M. Cullom, Clerk of the Supreme Court of the Territory of Arizona, do hereby certify that in a certain cause pending in said Court, wherein

the Salt River Valley Canal Company, a corporation, was defendant and appellee, a final decree was rendered by said Supreme Court of the Territory of Arizona on the First day of June, A.D. 1901, in favor of said Henry E. Slosser, plaintiff and appellant and against said Salt River Valley Canal Company, defendant and appellee, and that on the 13th day of February A.D. 1902, said defendant and appellee prayed an appeal to the Supreme Court of the United States, which was duly allowed.

In testimony whereof, I hereunto subscribe my hand, and affix the seal of said Supreme Court at the City of Phoenix, Territory of Arizona, this 19th day of November, A.D. 1901.

(Seal)

Shelby M. Cullom
Clerk Supreme Court, Territory of Arizona."

moved the Court to docket and dismiss this cause, pursuant to the 6th Rule; and it appearing to the Court that the appellant has failed to have its cause filed and docketed in conformity with the rules of this Court, It is now here ordered, adjudged, and decreed by this Court that this appeal from the Supreme Court of the Territory of Arizona be, and the same is hereby, docketed and dismissed with Costs; And that this cause be, and the same is hereby, remanded to the said Supreme Court to be proceeded in according to law and justice.

Per Mr. Chief Justice Fuller.

1118. The Maricopa Canal Company, Appellant, vs. Martin Gould.

Mr. Charles J. Kappler, of counsel for the appellee, having filed in open Court the following certificate, to wit:

"In the Supreme Court of the Territory of Arizona.

Martin Gould, Appellant, vs. The Maricopa Canal Company, a corporation. } No. 738.

I, Shelby M. Cullom, Clerk of the Supreme Court of the Territory of Arizona, do hereby certify that in a certain cause pending in said Court, wherein Martin Gould was plaintiff and appellant and the Maricopa Canal Company, a corporation, was defendant and appellee, a final decree was rendered by said Supreme Court of the Territory of Arizona on the 14th day of March, A.D. 1904, in favor of Martin Gould, plaintiff and appellant and against said Maricopa Canal Company, defendant and appellee, and that on the 7th day of April A.D. 1904, said defendant and appellee filed its petition for, and allowance of, appeal to the Supreme Court of the United States, in my office.

In testimony whereof, I hereunto subscribe my hand and affix the seal of said Supreme Court at the City of Phoenix, Territory of Arizona, this 19th day of November, A.D. 1904.

(Seal) Shelby M. Cullom, Clerk."

moved the Court to docket and dismiss this cause pursuant to the 9th Rule; and it appearing to the Court, that the appellant has failed to have its cause filed and docketed in conformity with the Rules of this Court, It is now here ordered, adjudged and decreed by this Court that this appeal from the Supreme Court of the Territory of Arizona be, and the same is hereby, docketed and dismissed with costs; And that this cause be and the same is hereby, remanded to the said Supreme Court to be proceeded in according to law and justice.

Per Mr. Chief Justice Fuller.

The Grand Canal Company, Appellant, vs. Tom Brockman. 449. Mr. Charles J. Kappler, of Counsel for the appellee, having filed in open Court the following certificate, to wit:

"In the Supreme Court of the Territory of Arizona.

Tom Brockman, Appellant, vs. The Grand Canal Company, a Corporation, Appellee. } No. 760.

I, Shelby M. Cullom, Clerk of the Supreme Court of the Territory of Arizona, do hereby certify that in a certain cause pending in said Court, wherein Tom Brockman was plaintiff and appellant and the Grand Canal Company,

decree was rendered by said Supreme Court of the Territory of Arizona on the 26th day of March A.D. 1904, in favor of said Tom Brockman, plaintiff and appellant and against said Grand Canal Company, defendant and appellee, and that on the 7th day of April A.D. 1904, said defendant and appellee filed in this office its Petition For, and Allowance of, Appeal to the Supreme Court of the United States.

In testimony whereof, I hereunto subscribe my hand and affix the seal of said Supreme Court at the City of Phoenix, Territory of Arizona, this 19th day of November A.D. 1904.

(Seal)

Shelby M. Cullom,
Clerk Supreme Court, Territory of Arizona."

moved the Court to docket and dismiss this cause pursuant to the 9th Rule; and it appearing to the Court that the appellant has failed to have its cause filed and docketed in conformity with the rules of this Court, It is now here ordered, adjudged, and decreed by this Court that this appeal from the Supreme Court of the Territory of Arizona be, and the same is hereby, docketed and dismissed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court to be proceeded in according to law and justice.

Per Mr. Chief Justice Fuller.

8, Original. The State of South Dakota, Complainant, vs. The State of North Carolina et al.

The motion to modify the decree entered herein

for the payment of the amount found due to the first day of April, 1905, was submitted to the consideration of the Court on printed arguments by Mr. R. D. Gilmer, of counsel for the State of North Carolina in support of the same, and Mr. Wheeler H. Peckham, of counsel for the complainant in opposition thereto.

414. The Western Transit Co., owner &c., Petitioner, vs. The Minnesota Steamship Co., et al. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Harvey D. Goulder, Mr. S. A. Holding, and Mr. F. S. Masten, in support of the same, and Mr. James A. Hoyt, John C. Shaw, Mr. Martin Casey, Mr. Charles B. Warren, and Mr. W. B. Cadey, in opposition thereto.

219. Charles F. Dodge, Appellant, vs. George Ellis et al. On motion of Mr. H. G. Gray, of counsel for the appellees, leave is hereby granted the Clerk to issue the mandate in this cause.

120. Giovanni Lavagnino, Plff in Error, vs. Edmund A. Uhlig et al. The motion to dismiss in this cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Arthur Brown

Mr. Alexander Britton, in opposition thereto.

179. St. Louis Expanded Metal Fireproofing Co. vs. Standard Fireproofing Co. Plff'in Error. The motions to dismiss or affirm in this cause were submitted to the consideration of the Court on the record and printed arguments by Mr. Hervey S. Knight and Mr. Frank L. Shepard, in support of the same, and Mr. James A. Carr, in opposition thereto.

733. A. A. Leonard et al., vs. The Vicksburg, Shreveport & Pacific Railroad Co., et al. Plff's in Error. The motions to dismiss or affirm in this cause were submitted to the consideration of the Court on the record and printed arguments by Mr. Harry N. Hall, in support of the same, and Mr. A. A. Leonard, in opposition thereto.

356. Copper King of Arizona, vs. Peter Johnson et al. Appellant, The motions to dismiss or affirm in this cause were submitted to the consideration of the Court on the record and printed arguments by Mr. Allen R. English, in support of the same, and Mr. William C. Prentiss, in opposition thereto.

184. The United States, Appellant, vs. John Smith, Mr. J. S. Flannery, in behalf, of Counsel for the appellee, moved the Court to pass this cause which was opposed by Mr. Solicitor General Hoyt, of counsel for the appellant. Whereupon, It is now here ordered by the Court that this cause be, and the same is hereby, re-assigned for argument on Monday, the 16th instant

69. The Chicago, Indianapolis & Louisville Railway Co., Plff in Error vs. Patrick McGuire et al. The argument of this cause was continued by Mr. Harry R. Kurrie of counsel for the plaintiff in error, and Mr. W. N. N. Miller and Mr. Maurice Winfield, of counsel for the defendants in error, and concluded by Mr. Harry R. Kurrie, of counsel for the plaintiff in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Tuesday, December 6th, 1904.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Hoyt it is ordered that Ed. P. Ingham, Esquire, of Muscatine, State of Iowa, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

70. Henning Jacobson, Plff in Error, vs. The Commonwealth of Massachusetts.

This cause was argued by Mr. George Fred Williams, of counsel for the plaintiff in error, and Mr. Frederick N. Nash, of counsel for the defendant in error.

71. John J. Moore, as J. J. Moore & Company, Appellant, vs. The United States. (This cause was argued by Mr. L. T. Michener, of counsel for the appellant, and Mr. Philip M. Rolfford, of counsel for the appellee.)

72. Thomas L. Hartigan, Appellant, vs. The United States. This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. L. T. Michener and Mr. W. H. H. Dudley, of counsel for the appellant, and Mr. Assistant Attorney General Pradt and Mr. George M. Anderson, of counsel for the appellee.

73. The First National Bank of Jacksboro, Plff in Error, vs. J. L. Lassater. This cause was submitted to the consideration of the Court on the record and a printed argument by Mr. J. W. Nichol, of counsel for the plaintiff in error. No counsel appeared for the defendant in error.

81. T. B. Lee, Jr., Plff in Error, vs. A. S. Robinson. The argument of this case was commenced by Mr. A. Sykes, of counsel for the plaintiff in error.

Proclamation being made the Court is adjourned

Wednesday, December 5th, 1904.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. D. W. Robinson it is ordered that George W. S. Hart, Esquire, of Yorkville, State of South Carolina, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. B. Church it is ordered that Paul Synnestvedt, Esquire, of Pittsburgh, State of Pennsylvania, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alex. Pope Humphrey it is ordered that William Bullitt Dixon, Esquire, of Louisville, State of Kentucky, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

81. T. B. Lee, Jr., Plff in Error, vs. A. S. Robinson. The argument of this cause was continued by Mr. W. H. Lyles, of Counsel for the plaintiff in error, and Mr. D. W. Robinson, of counsel for the defendant in error, and concluded by Mr. W. H. Lyles, of Counsel for the plaintiff in error.

84. Wesley E. Travis, Appellant, vs. The United States. The argument of these cases was commenced by Mr. A. A. Hochling, Jr., of Counsel for the appellants, and continued by Mr. Joseph

928. Luther Clay Slavens, Appellant, vs. The United States. Stewart, of Counsel for the appellee.

Proclamation being made the Court is adjourned, until, tomorrow at twelve o'clock.

Thursday, December 5th, 1904.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. S. D. McEnery it is ordered that James L. Dormon, Esquire, of Crowley, State of Louisiana, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edwin G. Baetjer it is ordered that Albert C. Ritchie, Esquire, of Baltimore, State of Maryland be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Louis A. Pradt it is ordered that Neal Brown, Esquire, of Wausau, State of Wisconsin be admitted

to practice as an attorney and counsellor of this Court and he was sworn accordingly:

103. Swift & Company et al, vs. Appellants, The United States. On motion of Mr. William A. Day, it is ordered that this cause be, and the same is hereby, passed, subject to the provisions of section 9 of Rule 24.

84. Wesley E. Travis, vs. Appellant, The United States.

228. Luther Clay Slavens, vs. Appellant, The United States.

The argument of these cases was continued by Mr. Joseph Stewart of Counsel for the appellee, and concluded by Mr. A. A. Hoehling, Jr., of Counsel for the appellants.

85. Pabst Brewing Co., vs. Appellant, G. Y. Crenshaw et al.

This cause was argued by Mr. Clifford Histed, of Counsel for the appellant, and Mr. E. C. Crow and Mr. W. M. Williams, of Counsel for the appellees.

8. James C. Corry, vs. Plff in Error, The Mayor and City Council

The argument of this cause was commenced by Mr.

Jr., of counsel for the plaintiff in error, and continued by Mr. Albert C. Ritchie, of counsel for the defendants in error, and Mr. Edwin G. Baetjer, of counsel for the plaintiff in error.)

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

The State of Wisconsin, Complainant,
vs.
Ethan Allen Hitchcock, Secretary of the Interior.
No. 9, Original.

On motion of Mr. Assistant Attorney General Campbell, of counsel for the defendant, It is ordered by the Court that the time within which to file the answer of the defendant herein be, and the same is hereby, extended to January 9th, 1905, per stipulation of counsel.

James C. Corry,
vs.
The Mayor and City Council of
No. 56.

The argument of this cause was concluded by Mr. Edwin G.

for the plaintiff in error.

93. M. N. Courtney, vs. Appellant, Louis A. Pradt, Executor &c., et al.

The argument of this cause was commenced by Mr. William Bullitt Dixon, of counsel for the appellant, continued by Mr. Neal Brown and Mr. Louis A. Pradt, of counsel for the appellees, and concluded by Mr. Alex. Pope Humphrey, of counsel for the appellant.

96. The United States, vs. Appellant, Walter S. Crosley.

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Assistant Attorney General Pradt and Mr. John L. Thompson, of counsel for the appellant, and Mr. George A. King and Mr. William B. King, of counsel for the appellee.

98. C. P. Cook et al., vs. Plffs in Error, The County of Marshall, Iowa.

150. R. E. Hodge et al., vs. Plffs in Error, Muscatine County et al.

The argument of these cases was commenced by Mr. Junius Parker, of counsel for the plaintiffs in error.

Proclamation being made the Court is adjourned until

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf, by Mr. A. C. Bacon it is ordered that W. M. Hammond, Esquire, of Thomasville, State of Georgia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. B. Browne it is ordered that Lewis Orvis Evans, Esquire, of Butte, State of Montana, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by

Saxton, Esquire, of Omaha, State of Nebraska, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

60. Spencer S. Bullis, Plff in Error, v. James R. O'Beirne, on behalf of himself and all other bondholders of The Allegheny & Kinzua Railroad Co., et al. In Error to the Supreme Court of the State of New York.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of New York, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Day.

13. Ex parte In the matter of The Republic of Colombia, Petitioner. (Original.) On consideration of the petition for a writ of mandamus herein, the return to the rule to show cause, and of the argument of counsel thereupon had, It is now here ordered by the Court that the rule to show cause be discharged, and the petition denied.

Per Mr. Justice Holmes.

The Western Union Telegraph Company, Appellant,
vs.
The Pennsylvania Railroad Company and The United New Jersey Railroad and Canal Co.

Appeal from the United States Circuit Court of Appeals for the Third Circuit.

By.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel. On consideration whereof it is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby remanded to the Circuit Court of the United States for the District of New Jersey.

Per Mr. Justice McKenna.

Dissenting:
Mr. Justice Harlan.

The Western Union Telegraph Company, Petitioner,
vs.
The Pennsylvania Railroad Company and The United New Jersey Railroad and Canal Co.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

199.

This cause came on to be heard on the transcript of the

peals for the Third Circuit, and was argued by Counsel. On Consideration Whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the Circuit Court of the United States for the District of New Jersey in this cause be, and the same is hereby, affirmed with costs; And that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the District of New Jersey.

(Per Mr. Justice McKenna.)

Dissenting:
Mr. Justice Harlan.)

The Western Union Telegraph Company, Plff in Error, vs. The Pennsylvania Railroad Company. } In Error to the United States Circuit Court of Appeals for the Third Circuit.

No. 90.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by Counsel. On Consideration Whereof, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the Western District of Pennsylvania. (Per Mr. Justice McKenna;

Dissenting: Mr. Justice Harlan.)

54. The United States, Appellant, vs. Chicago, Milwaukee & St. Paul Railway Company et al. Appeal from the United States Circuit Court of Appeals for the Eighth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the District of Minnesota.

Per Mr. Justice Peckham.

41. The City of San Juan, P. R., Plff in Error, vs. The St. John's Gas Company, Limited. In Error to the District Court of the United States for the District of Porto Rico.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of Porto Rico, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said District Court in this cause be, and the same is hereby, reversed with costs; And that this cause be, and the same is hereby,

to set aside the judgment and grant a new trial.

Per Mr. Justice White.

7. John A. Stambird and Frederick Meyerhaeuser, vs. Waldo A. Avery et al. On certificate from and order to the United States Circuit Court of Appeals for the Eighth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the Circuit Court of the United States for the District of Minnesota in this cause is hereby modified so as to provide for a dismissal of the bill without prejudice to any suit that may, according to established principles, be rightfully instituted by a claimant after the jurisdiction of the Department in respect of any particular lands has ceased, and as so modified, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the District of Minnesota.

Per Mr. Justice Harlan.

(Mr. Justice Brewer did not participate in the decision of this case.)

The Chief Justice announced that the Court will take a recess from Monday the 19th instant

to Tuesday, January 3d, 1905.

179. St. Louis Expanded Metal Fireproofing Company, vs. Standard Fireproofing Co. — Plff in Error, — In Error to the Supreme Court of the State of Missouri.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Missouri, and on motions to dismiss or affirm which were argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

356. Copper King of Arizona, vs. Peter Johnson, A. H. Emanuel, M. D. Scribner et al. — Appellant, — Appeal from the Supreme Court of the Territory of Arizona.

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory of Arizona, and on motions to dismiss or affirm which were argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

8, Original. The State of South Dakota, Complainant, vs. The State of North Carolina et al. On consideration of the motion to modify the decree entered by this Court in this cause so as to postpone the date fixed for the payment of the amount found due to the first day of April 1905, It is now here ordered by the Court that said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Fuller.

170. Giovanni Lavagnino, Plff in Error, vs. Edmund H. Uhlig et al. It is ordered by the Court that the further consideration of the motion to dismiss in this cause be, and the same is hereby, postponed until the hearing of the cause on the merits.

Per Mr. Chief Justice Fuller.

233. A. H. Leonard et al. Plffs in Error, vs. The Vicksburg, Shreveport & Pacific Railroad Co., et al. It is ordered by the Court that the further consideration of the motions to dismiss or affirm in this cause be, and the same is hereby, postponed until the hearing of the cause on the merits.

Per Mr. Chief Justice Fuller.

339. Blue Mountain Iron and Steel Company of Baltimore City, Petitioner, vs. Frank Portner et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

414. The Western Transit Company, Owner of the Steam Propeller "Troy," Petitioner, vs. The Minnesota Steamship Company and The Lehigh Valley Transportation Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

436. Edgar A. Davis et al., Petitioners, vs. A. Booth & Co. } On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

308. John A. Benson, Appellant, vs. William Kendel, U.S. Marshal &c.

406. Frederick A. Hyde, Appellant, vs. John N. Shine, U.S. Marshal &c., et al.

410. Henry P. Dimond, Appellant, vs. John N. Shine, U.S. Marshal &c., et al.

Mr. Assistant Attorney General McReynolds, of counsel for the appellees, submitted to the consideration of the Court motions to advance these cases, which was opposed by Mr. James Russell Soley, of counsel for the appellant in No. 308, and leave was granted Mr. C. C. Cole, of counsel for the appellant in No. 406, to file a brief in opposition on or before Friday next.

The Territory of New Mexico ex rel. The Caledonian Coal Co., Appellant,
119. vs.
Benjamin S. Baker, Associate Justice &c.

Mr. Wm. Stone Abert, in behalf of counsel, for the appellant, submitted to the consideration of the Court a motion to advance this cause.)

The First National Bank of Chicago et al., Petitioners,
139. vs.
The Chicago Title & Trust Co., Trustee, et al.)

The motion to quash the writ of certiorari herein was submitted to the consideration of the Court on the record and printed arguments by Mr. Joseph E. Paden and Mr. Newton Wyeth, in support of the same, and Mr. Henry S. Robbins and Mr. Wallace Heckman, in opposition thereto, and leave was granted counsel for the respondent to file an additional brief within five days.

The United States, Appellant,
184. vs.
John Smith.

On motion of Mr. J. S. Flannery, in behalf of counsel for the appellee, It is ordered by the Court that this cause be, and the same is hereby re-assigned for argument on Tuesday, January 3d next after the cases heretofore assigned for that day.

454. James L. Lombard,
vs. Petitioner,
Anglo-American Land, Mortgage & Agency Company, Limited.

455. B. Lombard, Jr.,
vs. Petitioner,
Anglo-American Land, Mortgage & Agency Company, Limited.

456. Cheshire Provident Institution,
vs. Petitioner,
Frederick Herbert Ramsden.

457. Keene Five Cent Savings Bank,
vs. Petitioner,
Frederick Herbert Ramsden.

The petitions for writs of certiorari herein were submitted to the consideration of the Court on printed arguments by Mr. Frank Hagerman, in support of the same, and Mr. John A. Eaton, in opposition thereto.

98. C. P. Cook et al.,
vs. Plffs in Error,
The County of Marshall, Iowa.

150. R. E. Hodge et al.,
vs. Plffs in Error,
Muscatine County et al.

The argument of these cases was continued by Mr. Junius Parker, of counsel for the plaintiffs in error, and Mr. Ed. P. Ingham, of counsel for the defendants in error in No. 150, and Mr. F. E. Northup, of counsel for the defendant in error in No. 98, and concluded by Mr. Junius Parker, of counsel for the plaintiffs in error.

99. Henry Muhlker,
vs. Plff in Error,
The New York & Harlem

The argument of this cause was commenced by Mr. Elihu Root, of counsel for the plaintiff in error.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in his behalf, by Mr. Smith McPherson it is ordered that George F. Wright, Esquire, of Council Bluffs, State of Iowa, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

110. D. D. Lucius, Appellant; vs. The Cawthon-Coleman Co. This cause was submitted to the consideration of the Court on the record and a printed argument by Mr. Harry Pillans, of counsel for the appellant.

94. Henry Muhlker, Plff in Error, vs. The New York & Harlem Railroad Co., et al. The argument of this cause was continued by Mr. Elihu Root, of counsel for the plaintiff in error, and Mr. Ira A. Hase, of counsel for the defendants in error, and concluded by Mr. Elihu Root, of counsel for the plaintiff in error.

235. Samuel M. Clyatt, vs. The United States. On consideration of the motion for a writ of certiorari herein to bring up the entire record and cause, It is now here ordered by the Court that said motion be, and the same is hereby, granted, the transcript of record presented with said motion to be taken and filed as a return to said writ.
Per Mr. Chief Justice Fuller.

235. Samuel M. Clyatt, vs. The United States. The argument of this cause was commenced by Mr. William G. Brantley, of counsel for Clyatt.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Wednesday, December 11th, 1901.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. A. O. Bacon it is ordered that John S. Hall, Esquire, of Macon; William C. Adamson, Esquire, of Carrollton; and William Wallace Lambdin, Esquire, of Barnesville, State of Georgia, be admitted to practice as attorneys and counsellors of this Court and they were severally sworn accordingly.

On motion first made to the Court in this behalf by Mr. Waldemar Van Cott it is ordered that Hiram E. Booth, Esquire, of Salt Lake, State of Utah, be admitted to practice as an attorney and counsellor

235. Samuel M. Clyatt vs. The United States. The argument of this cause was continued by Mr. William G. Brantley, of counsel for Clyatt, and Mr. Attorney General Moody, of counsel for The United States, and concluded by Mr. A. O. Bacon, of counsel for Clyatt. Leave was granted counsel for Clyatt to file an additional brief within ten days and to counsel for The United States to file a reply thereto within five days thereafter.

100. Union Stock Yards Co., of Omaha, vs. The Chicago, Burlington & Quincy Railroad Co. The argument of this cause was commenced by Mr. Frank T. Ransom, of counsel for the Stock Yards Co.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in his behalf by Mr. A. J. Hopkins it is ordered that Benjamin H. Miller, Esquire, of Libertyville, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Union Stock Yards Co., of Omaha,
vs.
The Chicago, Burlington & Quincy Railroad Co.

No. 100.

The argument of this cause was continued by Mr. Frank P. Ransom, of counsel for the Stock Yards Co., and Mr. Charles J. Greene, of counsel for the Railroad Co., and concluded

Yards Co.

102. The Northern Pacific Railway Company, Plff in Error, vs. William D. Sly et al.

These cases were submitted to the consideration of the Court on the record in No. 101 and printed arguments by Mr. C. W. Bunn and Mr. James B. Kerr, of counsel for the plaintiff in error, and Mr. Harold Preston and Mr. W. E. Cullen, of counsel for the defendants in error.

104. Henry Dallemagne, Consul General of the Republic of France, Appellant, vs. Jean Francois Moisan.

This cause was submitted to the consideration of the Court on the record, and printed argument by Mr. Walter D. R. Berry and Mr. Benjamin S. Minor, of counsel for the appellant, and leave was granted. Counsel for the appellee to file a brief within thirty days and to counsel for the appellant to file a reply thereto within fifteen days thereafter.

105. J. O. Comstock, Appellant, vs. William L. Eagleton.

This cause was submitted to the consideration of the Court on the record and a printed argument by Mr. Andrew Wilson and Mr. Noel W. Bardsdale, of counsel for the appellant. No counsel appeared

106. Samuel A. V. Hartwell, Appellant, vs. John A. Hauighorst. This cause was argued by Mr. William C. Prentiss, of counsel for the appellant, and Mr. A. G. C. Bierer, of counsel for the appellee.

Proclamation being made the Court is adjourned, until tomorrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. John J. Hall it is ordered that Lloyd Cleveland, Esquire, of Griffin, State of Georgia, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ira Julian it is ordered that J. A. Hazelrigg, Esquire, of Frankfort, and Charles E. Day, Esquire, of Morehead, State of Kentucky, be admitted to practice as attorneys and Counsellors of this Court and they were sworn accordingly.

Mr. E. L. Hamilton it is ordered that William J. Barnard, Esquire, of Paw Paw, State of Michigan, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in his behalf by Mr. Thomas H. Clark it is ordered that Wallace Alexander Wise, Esquire, of San Francisco, State of California, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

109. The Butte City Water Co., Plff in Error, vs. Ben. Baker. This cause was argued by Mr. Lewis Orvis Evans, of counsel for the plaintiff in error, and submitted on a printed argument by Mr. Robert B. Smith, of counsel for the defendant in error.

111. The Central of Georgia Railway Co., Plff in Error, vs. A. O. Murphey et al. This cause was argued by Mr. John J. Hall, of counsel for the plaintiff in error, and Mr. William Wallace, Lambdin, of counsel for the defendants in error.

112. Harvey Fullerton, Plff in Error, vs. The State of Texas. This cause was argued by Mr. William W. Griffin, of counsel for the plaintiff in error.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable, Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Thomas H. Clark it is ordered that James F. Glen, Esquire, of Tampa, State of Florida, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles L. Frailey it is ordered that Reynolds D. Brown, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

Mr. F. D. Richards it is ordered that John Taylor Howe, Esquire, of San Francisco, State of California, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. N. Glassie it is ordered that Isidor Wasservogel, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph D. Wright it is ordered that Robert F. Able, Esquire, of Leesville, State of South Carolina, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

No. 76.

William B. Wetmore,
vs.
Plff in Error,
Annette B. Mankel (formerly Annette B. W. Wetmore)

In Error to the Supreme Court of the State of New York.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of New York, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be and the same is hereby, affirmed with Costs.

61. George F. Harding, Plff in Error, vs. The People of the State of Illinois. In Error to the Supreme Court of the State of Illinois.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Justice Day.

81. P. B. Lee, Jr., Plff in Error, vs. N. S. Robinson. In Error to the Circuit Court of the United States for the District of South Carolina.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of South Carolina, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs, and interest until paid, at the same rate per annum that similar judgments bear in the Courts of the State of South Carolina.

Per Mr. Justice Holmes.

48. The Texas & Pacific Railway Company vs. W. W. Swearingen. Plff in Error, In Error to the United States Circuit Court of Appeals for the Fifth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the Western District of Texas.

Per Mr. Justice White.

55. Andrew C. Keely, Trustee, and Richard K. Paynter, vs. Joseph A. Moore, Edward J. Stellwagen et al. Plffs in Error, In Error to the Court of Appeals of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the District of Columbia, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Appeals in this cause be, and the same is here-

65. Martha A. Hunt, Plff in Error, vs. The Springfield Fire and Marine Insurance Co. — In Error to the Court of Appeals of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the District of Columbia, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Appeals in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Brown.

5, Original. The State of Missouri, Complainant, vs. The State of Nebraska. — The opinion of the Court in this cause was delivered by Mr. Justice Harlan and filed.

32 & 87. W. O. Johnson, Petitioner and Plff in Error, vs. Southern Pacific Company. — On writ of certiorari and In Error to the United States Circuit Court of Appeals for the Eighth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court

United States for the District of Utah in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to set aside the verdict and award a new trial.

Per Mr. Chief Justice Fuller.

106. Samuel A. V. Hartwell, Appellant, vs. John N. Havighorst. } Appeal from the Supreme Court of the Territory of Oklahoma

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory of Oklahoma, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Fuller.

139. The First National Bank of Chicago et al., Petitioners, vs. The Chicago Title and Trust Company, Trustee, et al. } It is ordered by the Court that the further consideration of the motion to quash the writ of certiorari in this cause be, and the same is hereby, postponed until the hearing of the cause on the merits.

Per Mr. Chief Justice Fuller.

308. John A. Benson, Appellant, vs. William Henkel, U.S. Marshal &c. On consideration of the motion to advance this cause, it is now here ordered by the Court that said motion be, and the same is hereby, granted, and the cause assigned for argument on Monday, February 20th, 1905.

Per Mr. Chief Justice Fuller.

406. Frederick A. Hyde, Appellant, vs. John H. Shine, U.S. Marshal &c. et al.

410. Henry P. Dimond, Appellant, vs. John H. Shine, U.S. Marshal &c. et al.

On consideration of the motion to advance these cases, it is now here ordered by the Court that said motion be, and the same is hereby, granted, and the cases assigned for argument on Monday, February 20th, 1905, after the case heretofore assigned for that day.

Per Mr. Chief Justice Fuller.

419. The Territory of New Mexico ex rel. Caledonian Coal Co., Appellant, vs. Benjamin S. Baker, Associate Justice &c.

On consideration of the motion to advance this cause, it is now here ordered by the Court that said motion be, and the same is hereby, granted, and the cause assigned for argument on Monday, January 23d, 1905.

454. James L. Lombard, Petitioner, vs. Anglo-American Land, Mortgage & Agency Company, Limited. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

(Per Mr. Chief Justice Fuller.)

455. B. Lombard, Jr., Petitioner, vs. Anglo-American Land, Mortgage & Agency Company, Limited. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals, for the Eighth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

(Per Mr. Chief Justice Fuller.)

1156. Cheshire Provident Institution, Petitioner, vs. Frederick Herbert Ramsden. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

457. Keene Five Cent Savings Bank, Petitioner, vs. Frederick Herbert Ramsden. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

354. George W. Beavers, Appellant, vs. Charles J. Staubert, U.S. Marshal, et al.

355. George W. Beavers, Appellant, vs. Charles J. Staubert, U.S. Marshal.

On motion of Mr. Solicitor General, Hoyt, of Counsel, for the appellees, It is now here, ordered by the Court that these cases be, and they are hereby, advanced and assigned for argument on Monday, February 15th next, after the cases heretofore assigned, for that day.

413. The United States, Petitioner, vs. Morris Whitridge et al.

On motion of Mr. Solicitor General Hoyt, of Counsel, for the petitioner, It is ordered by the Court that this cause be, and the same is hereby, advanced and assigned for argument on Monday, January 25th next, after the case heretofore assigned for that day.

292. Joseph Lochner, Plff in Error, vs. The People of the State of New York.

Mr. Frank Harvey Field, of Counsel for the plaintiff in error, submitted to the consideration of the Court a motion to advance this cause.

199. Beryl F. Carroll, Auditor &c., vs. The Greenwich Insurance Co., of New York et al. Appellant

Mr. C. W. Maupin, in behalf of counsel for the appellant, submitted to the consideration of the Court a motion to advance this cause.

Ex parte In the matter of The Commonwealth of Massachusetts, Petitioner.

Mr. Frederick H. Nash, of counsel for the petitioner, submitted to the consideration of the Court a motion for leave to file a petition for writs of prohibition, certiorari and mandamus herein, and leave was granted to submit a printed brief in support of the same within five days, and to counsel to submit a brief in opposition thereto within five days thereafter.

1, Original. The State of New Jersey, vs. Complainant, The State of Delaware.

Mr. Herbert A. Ward, of counsel for the defendant, submitted to the consideration of the Court a motion and stipulation to extend the time for taking the testimony in this cause.

18. The Creede and Cripple Creek Mining and Milling Co., vs. Petitioner, The Uintah Tunnel Mining and Transportation Co.

On motion of Mr. J. S. Flannery, in behalf of counsel, It is ordered by the Court that this

cause be, and the same is hereby, reassigned for re-argument on Monday, January 5th next.

300. Baquero & Gandara, San Miguel Hermanos, Candido Garcia et al, vs. A. Ranschenplat. — Appellants, — Appeal from the District Court of the United States for the District of Porto Rico.

This cause having been called to the attention of the Court by Mr. J. S. Flannery, of counsel for the appellants, and he having moved the Court to dismiss this appeal, Therefore, in pursuance of said motion, It is now here ordered, adjudged and decreed by this Court that this appeal be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Fuller.

300. Baquero & Gandara et al, vs. A. Ranschenplat. — Appellants, — On motion of Mr. J. S. Flannery, of Counsel for the appellants, leave is hereby granted the Clerk to issue the mandate in this cause.

470. Edward E. Bessette, vs. The W. B. Conkey Company. — Petitioner, — The petition for a writ of certiorari herein was submitted to the consideration of the Court on a printed argument

leave was granted counsel for respondent to file a brief in opposition thereto within one week, and to counsel for the petitioner to file a reply thereto within five days thereafter.)

Ex parte In the matter of Edward E. Bessette, (Petitioner.) Mr. H. V. Rooker, of counsel for the petitioner, submitted to the consideration of the Court a motion for leave to file a petition for a writ of mandamus herein.)

Proclamation being made the Court is adjourned until Tuesday, January 3d, 1905, at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.
John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Hoyt it is ordered that Robert M. McCoy and M. E. King, Esquires, of Columbus, State of Ohio, and Frederick L. Kahle, Esquire, of Pittsburg, State of Pennsylvania, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas H. Clark it is ordered that Appleton L. Clark, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn

On motion first made to the Court in this behalf by Mr. Chester N. Krum it is ordered that James L. Minnis, Esquire, of St. Louis, State of Missouri, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

40. Adolfo Sixto, Plff in Error, vs. Laureano Sarria. In Error to the District Court of the United States for the District of Porto Rico.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of Porto Rico, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said District Court in this cause be, and the same is hereby, reversed with costs; And that this cause be, and the same is hereby, remanded to the said District Court, for further proceedings consistent with the opinion of this Court.

Per Mr. Justice Day.

29. The City of Seattle, Appellant, vs. Daniel Kelleher, Admr of John W. Thompson, dec'd. It is ordered by the Court that the decree entered herein by this Court on November 28, 1904, be, and the same is hereby, modified by striking out the order to dismiss the bill, and by remanding the cause for further proceedings in accordance with the opin-

of this Court.

Per Mr. Justice Holmes.

62. Abraham Wolff, Plff in Error, vs. The District of Columbia. In Error to the Court of Appeals of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the District of Columbia, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Appeals in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice McKenna.

71. John J. Moore, trading under the firm name of J. Moore & Company, Appellant, vs. The United States. Appeal from the Court of Claims.

This cause came on to be heard on the transcript of the record from the Court of Claims, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Court of Claims with directions to enter judgment for the claimant in the sum of $1,120.87.

Mr. Justice Holmes concurs.

72. Thomas L. Hartigan, Appellant, vs. The United States. Appeal from the Court of Claims.

This cause came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause be, and the same is hereby, affirmed.

Per Mr. Justice McKenna.

110. D. D. Lucins, Appellant, vs. The Cawthon Coleman Company. Appeal from the District Court of the United States for the Southern District of Alabama.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of Alabama, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Justice White.

67. The American Express Company and R. M. Coffin, Plffs in Error, vs. The State of Iowa. In Error to the Supreme Court of the State of Iowa.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Iowa, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice White,

Dissenting:
Mr. Justice Harlan.

82. Adams Express Company, Plff in Error, vs. The State of Iowa. In Error to the Supreme Court of the State of Iowa.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Iowa, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby reversed with costs; and that this cause be, and the same is hereby remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice White,

Dissenting:
Mr. Justice Harlan.

the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice White.

Dissenting:
Mr. Justice Harlan.

69. The Chicago, Indianapolis & Louisville Railway Company, Plff in Error, vs. Patrick McGuire, M. M. Hathaway, and Philip Dellinger, Sheriff of Pulaski County, Indiana. } In Error to the Appellate Court of the State of Indiana.

This cause came on to be heard on the transcript of the record from the Appellate Court of the State of Indiana, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Justice Brown.

94. The United States, Appellant, vs. Charles M. Thomas,
95. Charles M. Thomas, Appellant, vs. The United States.

It is now here ordered by the Court that the judgment entered herein by this Court on December 5, 1904, be, and the same is hereby, modified so as to direct that the cause be remanded to the Court of Claims with directions to reinstate the

the sum of $97.42.

(per Mr. Justice Brown.)

59. Sallie Field Scott, Eliza Madison Scott, Harriet B. Jones et al., Appellants, vs. Lizzie W. Carew, W. W. Hampton, E. R. Gunby et al.) Appeal from the United States Circuit Court of Appeals for the Fifth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged and decreed by this Court that the decree of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the Southern District of Florida.

per Mr. Justice Brewer.

73. The First National Bank of Jacksboro, Plff in Error, vs. J. L. Lasater.) In Error to the Court of Civil Appeals of the Second Supreme Judicial District of the State of Texas.

This cause came on to be heard on the transcript of the record from the Court of Civil Appeals,

State of Texas, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Civil Appeals in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Court of Civil Appeals for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Brewer.

109. The Butte City Water Company, Plff in Error, vs. Ben Baker. In Error to the Supreme Court of the State of Montana.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Montana, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Brewer.

93. M. A. Courtney, Appellant, vs. Louis A. Pradt, Executor of Merrick B. Atwater, deceased, and Wm. C. Atwater. Appeal from the Circuit Court of the United States for the Eastern District of Kentucky.

This cause came on to be heard on the transcript of

for the Eastern District of Kentucky, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

97. A. L. Smalley and F. McLellan, Plffs in Error, vs. George F. Langenour and Jane Langenour. In Error to the Supreme Court of the State of Washington.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Washington, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

per Mr. Chief Justice Fuller.

105. J. O. Comstock, Appellant, vs. William L. Eagleton. Appeal from the Supreme Court of the Territory of Oklahoma.

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory of Oklahoma, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court

missed for the want of jurisdiction.

(per Mr. Chief Justice Fuller.)

The State of New Jersey, Complainant,
1, Original. vs.
The State of Delaware.)

On motion of Mr. Herbert H. Ward, of Counsel for the defendant, and in pursuance of a stipulation between the parties dated the seventeenth day of December, 1904, and filed in this cause, It is ordered by the Court that the time within which the defendant shall close its evidence be, and the same is hereby, extended until the first day of March, A.D. 1905; that the time within which the complainant may put in any rebutting evidence be, and the same is hereby, extended until the first day of June A.D. 1905; that the defendant shall have one month thereafter, or until the first day of July, A.D. 1905, within which it may offer any further evidence that shall be competent at that stage of the proof; that the parties shall then have until the first day of November, A.D. 1905, to prepare and present arguments before Hon. Francis Rawle, the Master appointed in this cause; and that the said Master shall make and file his report in said cause on or before the first day of March, A.D. 1906.

(per Mr. Chief Justice Fuller.)

Ex parte In the matter of
The Commonwealth of
Massachusetts.
15, Original.) Petitioners

On consideration
of the motion for
leave to file a pe-
tition for writs
of prohibition,
mandamus and certiorari herein, It is now
here ordered by the Court that said motion be,
and the same is hereby, granted.

per Mr. Chief Justice Fuller.

Ex parte In the matter of
The Commonwealth of Mas-
sachusetts,
15, Original.) Petitioners

On consideration
of the petition of
The Commonwealth
of Massachusetts
It is now here or-
dered by this Court that cause be shown by
the Judges of the Supreme Court of the District
of Columbia before this Court on Monday, Feb-
ruary 20, 1905, at twelve o'clock noon of that
day, or as soon thereafter as counsel can be
heard, why the prayer of said petition should
not be granted.

per Mr. Chief Justice Fuller.

Joseph Lochner,
292. vs. Plff in Error,
The People of the State
of New York.

On consideration of the
motion to advance this
cause, It is now here
ordered by the Court
that said motion be,
and the same is hereby, granted, and the cause,

Tenth next, after the cases heretofore assigned for that day.

Per Mr. Chief Justice Fuller.

299. Beryl F. Carroll, Auditor &c., vs. Appellant, The Greenwich Insurance Company of New York et al. On consideration of the motion to advance this cause, It is now here ordered by the Court that said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

470. Edward E. Bessette, vs. Petitioner, The W. B. Conley Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of Counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

Ex parte In the matter of Edward E. Bessette, Petitioner. On consideration of the motion for leave to file a petition for a writ of mandamus herein,

It is now here ordered by the Court that said mo-

tion be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

485. Charles A. Brooks, Appellant, vs. The United States. Mr. Solicitor General, Asst. of counsel for the appellee, having filed in open Court the following certificate, to wit:

"Circuit Court of the United States,
For the Southern District of California, Southern Division.

I, Wm. M. VanDyke, Clerk of the Circuit Court of the United States for the Southern District of California, do hereby certify that in a certain cause pending in said Court On the matter of the application of Charles A. Brooks for a writ of habeas corpus, No. 50, Crim. an order was made and entered, by said Circuit Court on the seventh day of July, A.D. 1904, against the said petitioner, denying said application, and that on the seventh day of July, A.D. 1904, said petitioner prayed, an appeal to the Supreme Court of the United States, which was allowed, and that on the seventh day of July A.D. 1904, a citation directed to the United States of America as appellee, on said appeal, was duly issued and served.

In testimony whereof I hereunto subscribe my name and affix the (Seal) seal of said Circuit Court, at Los Angeles, this 17th day of December, A.D. 1904.

Wm. M. Van Dyke, Clerk.

moved the Court to docket and dismiss this cause pursuant to the 6th Rule; and it appearing to the Court that the appellant has failed to have his cause filed and docketed in conformity with the rules of this Court, It is now here ordered, adjudged, and decreed by this Court that this appeal from the Circuit Court of the United States for the Southern District of California be, and the same is hereby, docketed and dismissed; and that this cause be, and the same is hereby, remanded to the said Circuit Court to be proceeded in according to law and justice.

Per Mr. Chief Justice Fuller.

485. Charles A. Brooks, Appellant, vs. The United States. On motion of Mr. Solicitor General Hoyt, of counsel for the appellee, leave is hereby granted the Clerk to issue the mandate in this cause.

184. The United States, Appellant, vs. John Smith. On motion of Mr. Solicitor General Hoyt, of counsel for the appellant, It is ordered by the Court that this cause be, and the same is hereby, passed, subject to the provisions of section 9 of Rule 26.

340. Calvin R. Nutt et al., Plffs in Error, vs. The motions to dismiss or affirm in this cause

consideration of the Court on the record and printed arguments by Mr. Thomas C. Catchings and Mr. O. W. Catchings, in support of the same, and Mr. A. S. Worthington, in opposition thereto.

Carl C. L. Wulff,
vs. Appellant,
486. L. Lindsay, William H. Schmidt & Thomas Taggart.

Mr. Charles L. Bailey, of counsel for the appellees, having filed, in open Court the following certificate, to wit:

"Supreme Court of the Territory of Arizona.)
I, Shelby M. Cullom, Clerk of the Supreme Court of the Territory of Arizona, do hereby certify that in a certain cause pending in said Court wherein Carl C. L. Wulff was appellant and L. Lindsay, William H. Schmidt and Thomas Taggart were appellees, a final decree was rendered by said Supreme Court on the 20th day of March A.D. 1903, in favor of the said Lindsay, Schmidt and Taggart, and against the said Carl C. L. Wulff, and that on the 8th day of March A.D. 1904, the said Carl C. L. Wulff prayed an appeal to the Supreme Court of the United States, which was allowed.

In testimony whereof I hereunto subscribe my name and affix the seal of said Supreme Court, at Phoenix, Arizona this 12th day of December A.D. 1904.

(Seal)

moved the Court to docket and dismiss this cause pursuant to the 6th Rule; and it appearing to the Court that the appellant has failed to have his cause filed and docketed in conformity with the rules of this Court, It is now here ordered, adjudged, and decreed by this Court that this appeal from the Circuit Court of the United States for the Southern District of California be, and the same is hereby, docketed and dismissed; and that this cause be, and the same is hereby, remanded to the said Circuit Court to be proceeded in according to law and justice.

Per Mr. Chief Justice Fuller.

485. Charles A. Brooks, Appellant, vs. The United States. On motion of Mr. Solicitor General Hoyt, of counsel for the appellee, leave is hereby granted the Clerk to issue the mandate in this cause.

184. The United States, Appellant, vs. John Smith. On motion of Mr. Solicitor General Hoyt, of counsel for the appellant, It is ordered by the Court that this cause be, and the same is hereby, passed, subject to the provisions of section 9 of Rule 26.

340. Calvin R. Nutt et al., Plffs in Error, vs. The motions to dismiss or affirm in this cause,

consideration of the Court on the record and printed arguments by Mr. Thomas C. Catchings and Mr. O. W. Catchings, in support of the same, and Mr. A. S. Worthington, in opposition thereto.

486. Carl C. L. Wulff, Appellant, vs. L. Lindsay, William A. Schmidt & Thomas Taggart.

Mr. Charles L. Bailey of counsel for the appellees, having filed in open Court the following certificate, to wit:

"Supreme Court of the Territory of Arizona.)
I, Shelby M. Cullom, Clerk of the Supreme Court of the Territory of Arizona, do hereby certify that in a certain cause pending in said Court wherein Carl C. L. Wulff was appellant and L. Lindsay, William A. Schmidt and Thomas Taggart were appellees, a final decree was rendered by said Supreme Court on the 20th day of March A.D. 1903, in favor of the said Lindsay, Schmidt and Taggart, and against the said Carl C. L. Wulff, and that on the 8th day of March A.D. 1904, the said Carl C. L. Wulff prayed an appeal to the Supreme Court of the United States, which was allowed.

In testimony Whereof I hereunto subscribe my name and affix the seal of said Supreme Court, at Phoenix, Arizona this 12th day of December A.D. 1904.

(Seal)

moved the Court to docket and dismiss this cause pursuant to the 6th Rule; and it appearing to the Court that the appellant has failed to have his cause filed and docketed in conformity with the rules of this Court, It is now here ordered, adjudged, and decreed by this Court that this appeal from the Circuit Court of the United States for the Southern District of California be, and the same is hereby, docketed and dismissed; and that this cause be, and the same is hereby, remanded to the said Circuit Court to be proceeded in according to law and justice.

Per Mr. Chief Justice Fuller.

485. Charles A. Brooks, Appellant, vs. The United States. On motion of Mr. Solicitor General Hoyt, of counsel for the appellee, leave is hereby granted the Clerk to issue the mandate in this cause.

184. The United States, Appellant, vs. John Smith. On motion of Mr. Solicitor General Hoyt, of counsel for the appellant, It is ordered by the Court that this cause be, and the same is hereby, passed, subject to the provisions of section 9 of Rule 24.

340. Calvin R. Nutt et al., Plffs in Error, vs. S. Prentiss Knott et al. The motions to dismiss or affirm in this cause

consideration of the Court on the record and printed arguments by Mr. Thomas C. Catchings and Mr. O. W. Catchings, in support of the same, and Mr. A. S. Worthington, in opposition thereto.

Carl C. L. Wulff,
vs. Appellant,
L. Lindsay, William H. Schmidt and Thomas Taggart. 486.

Mr. Charles L. Bailey, of counsel for the appellees, having filed in open Court the following certificate, to wit:

"Supreme Court of the Territory of Arizona.)
I, Shelby M. Cullom, Clerk of the Supreme Court of the Territory of Arizona, do hereby certify that in a certain cause pending in said Court wherein Carl C. L. Wulff was appellant and L. Lindsay, William H. Schmidt and Thomas Taggart were appellees, a final decree was rendered by said Supreme Court on the 20th day of March A.D. 1903, in favor of the said Lindsay, Schmidt and Taggart, and against the said Carl C. L. Wulff, and that on the 8th day of March A.D. 1904, the said Carl C. L. Wulff prayed an appeal to the Supreme Court of the United States, which was allowed.

In testimony whereof I hereunto subscribe my name and affix the seal of said Supreme Court, at Phoenix, Arizona this 12th day of December A.D. 1904.

(Seal)

moved the Court to docket and dismiss this cause pursuant to the 9th rule; and it appearing to the Court that the appellant has failed to have this cause filed and docketed in conformity with the rules of this Court, It is now here ordered, adjudged, and decreed by this Court that this appeal from the Supreme Court of the Territory of Arizona be, and the same is hereby, docketed and dismissed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court to be proceeded in according to law and justice.

Per Mr. Chief Justice Fuller.

Ex parte In the matter of Thomas E. Barrett, Petitioner.
Ex parte In the matter of John P. Dolan, Petitioner.
Ex parte In the matter of Frank Garrett, Petitioner.

Mr. Chester H. Krum, of counsel for the petitioners, submitted to the consideration of the Court motions for leave to file petitions for writs of habeas corpus herein.

Sherman Tonnes & Company, Claimants &c., Petitioners,
v.
Merchant Banking Company, Limited.

No. 475

The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed

arguments by Mr. Appleton [illegible]

Harrington Putnam, in support of the same, and Mr. Frederick M. Brown, in opposition thereto.

99. Henry Muhlker, Plff in Error, vs. The New York & Harlem Railroad Company et al. On motion of Mr. James Russell Soley, in behalf of counsel for the defendants in error, leave is, hereby granted counsel for the defendants in error to file an additional brief herein, and on motion of Mr. James C. Bushby, of counsel for the plaintiff in error, leave is hereby granted him to file a reply thereto, within five days.

12, Original. The State of Wisconsin, Complainant, vs. Ethan Allen Hitchcock, Secretary of the Interior. On motion of Mr. William C. Prentiss, in behalf of counsel, for the complainant, It is now here ordered by the Court that leave be, and the same is hereby, granted to file an amended bill of complaint herein on or before March 15th next and to the defendant to file an answer thereto within sixty days thereafter.

314. The United States, Appellant, vs. Jock Coe,
315. The United States, Appellant, vs. Long Meng,
316. The United States, Appellant, vs. Woo Joe.

These cases were submitted to the consideration of the Court on the record in No. 314 and a printed

Reynolds, of Counsel for the appellant. No brief was filed for the appellee.

275. The United States, Appellant, vs. The Harvey Steel Co.

The argument of this cause was commenced by Mr. Assistant Attorney General Pradt, of Counsel for the appellant, and continued by Mr. James Russell Soley and Mr. Frederic A. Betts, of Counsel for the appellee, and Mr. Assistant Attorney General Pradt, of Counsel for the appellant.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. A. B. Browne it is ordered that William J. Hitzenbacher, Esquire, of Hagerstown, State of Maryland, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

275. The United States, Appellant, vs. The Harvey Steel Co.

The argument of this cause was concluded by Mr. Assistant Attorney General Pradt, of Counsel for the appellant.

360. The Scottish Union and National Insurance Company, Appellant, vs. Willis G. Bowland, Treasurer, et al.

361. Willis G. Bowland, Treasurer, et al., Appellants, vs. The Scottish Union and National Insurance Company.

The argument of these cases was commenced by Mr. Judson Harmon, of counsel for the Insurance Co., and continued by Mr. Augustus P. Seymour, of counsel for Bowland, Treasurer, et al., and Mr. Hartwell Cabell, of counsel for the Insurance Co.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Thursday, January 5th, 1905.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. A.J. Beveridge, it is ordered that John Morris, Jr., Esquire, of Fort Wayne, State of Indiana, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A.B. Browne it is ordered that Elizur G. Johnson, Esquire, of Elyria, and John C. Royer, Esquire, of Tiffin, State of Ohio, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf, by Mr. P. J. Loesch it is ordered that Richard J. Cooney, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. R. W. Donynge it is ordered that George P. Costigan, Jr., Esquire, of Denver, State of Colorado, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

232. Western Tie & Timber Co., Appellant, vs. Ben A. Brown, Trustee &c. This cause was submitted to the consideration of the Court, pursuant to the 20th rule, on the record and printed arguments by Mr. Joseph Wheless, of Counsel for the appellant, and Mr. John M. Moore, of Counsel for the appellee.

360. The Scottish Union and National Insurance Company, Appellant, vs. Willis G. Bowland, Treasurer, etal.

361 Willis G. Bowland, Treasurer, etal., Appellants, vs. The Scottish Union and National Insurance Company. The argument of these cases was concluded by Mr. Herbert Cabell, of Counsel for the Insurance Company.

113. The City of Covington et al, Appellants, vs. The First National Bank of Covington, Kentucky.

114 The First National Bank of Covington, Kentucky, Appellant, vs. The City of Covington et al.

The argument of these cases was commenced by Mr. S. D. Rouse, of counsel for the Bank, continued by Mr. J. J. Hanlon, and Mr. J. N. Hazelrigg, of counsel for the City et al, and concluded by Mr. E. J. Prabue, of counsel for the Bank.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Friday, January 6th, 1905.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. F. J. Loesch it is ordered that Frederic J. Mullins, Esquire, of Salem, State of Ohio, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. H. Ralston it is ordered that Earl W. Evans, Esquire, of Wichita, State of Kansas, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

115. Harry Donovan et al., Petitioners, vs. Pennsylvania Company. This cause was argued by Mr. Richard J. Cooney, of counsel for the petitioners, and Mr. Edgar A. Bancroft, of counsel for the respondent.

116. Guilford B. Keppel, Trustee &c., vs. Tiffin Savings Bank. This cause was argued by Mr. John C. Royer, of counsel for Keppel, Trustee &c., and submitted on a printed argument by Mr. George E. Seney and Mr. John L. Lott, of counsel for the Bank.

117. Frank D. Thompson, Trustee &c., Plff in Error, vs. Henry Fairbanks. This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Edward N. Dewitt, of counsel for the plaintiff in error, and Mr. C. A. Prouty, of counsel for the defendant in error.

118. The Northern Pacific Railway Company, Plff in Error, vs. August Hasse et al. This cause was submitted to the consideration of the Court on the record and a printed argument by Mr. C. W. Bunn and Mr.

error. No brief was filed for the defendants in error.

123. Swift & Company et al., Appellants, vs. The United States.

The argument of this cause was commenced by Mr. John S. Miller, of counsel for the appellants, and continued by Mr. Attorney General Moody, of counsel for the appellee.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Hoyt it is ordered that Hansford B. Griffith, Esquire, of San Francisco, State of California, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. B. F. Spalding it is ordered that Emerson Hall Smith, Esquire, of Fargo, State of North Dakota, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. C. Cole it is ordered that Alexander S. Bacon, Esquire, of New York City, and Frank R. Weke, Esquire, of San Francisco, State of California, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alexander Porter Morse it is ordered that D. N. Wenger, Esquire, of Salt Lake City, State of Utah, and Edwin P. Hanna, Esquire, of Washington, District of Columbia, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. W. Bradford it is ordered that Arthur M. Hood, Esquire, of Indianapolis, State of Indiana, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles W. Russell it is ordered that Jonathan S. Green, Esquire, of Pittsburg, State of Pennsylvania, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

100. Union Stock Yards Company of Omaha, vs. The Chicago, Burlington & Quincy Railroad Company. On a certificate from the United States Circuit Court of Appeals for the Eighth Circuit.

This cause came on to be heard on a certificate from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel. On consideration whereof, It is the opinion of this Court that the question certified must be answered in the negative. Whereupon, It is now here ordered by this Court that it be so certified to the said United States Circuit Court of Appeals.

Per Mr. Justice Day.

198. Luther Clay Stevens, Appellant, vs. The United States. Appeal from the Court of Claims.

This cause came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Day.

84. Wesley E. Travis, Appellant vs. The United States. Appeal from the Court of Claims.

This cause came on to be heard on the transcript of the record from the Court of Claims, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Day.

68. The United States, Appellant, vs. The United Verde Copper Company. Appeal from the Supreme Court of the Territory of Arizona.

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory of Arizona, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Supreme Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice McKenna.

Dissenting:
Mr. Justice Brown,
Mr. Justice Harlan, and
Mr. Justice Peckham.

111. The Central of Georgia Railway Company, Plff in Error, v. A. O. Murphey and J. L. Hunt, partners, doing business as A. O. Murphey & Hunt. — In Error to the Supreme Court of the State of Georgia.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Georgia, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, reversed with costs, and that this cause be, and the same is hereby, remanded to the said Supreme Court for such further proceedings as may be consistent with the opinion of this Court.

Per Mr. Justice Peckham.

112. Harvey Fullerton, Plff in Error, v. The State of Texas. — In Error to the Court of Criminal Appeals of the State of Texas.

This cause came on to be heard on the transcript of the record from the Court of Criminal Appeals of the State of Texas, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed

Monday, January 9th, 1905. Contin

314. The United States, Appellant, vs. Joel Coe. Appeal from the Court of the United for the Northern Di Ohio.

This cause came on to be heard on the transc the record from the District Court of the Uni for the Northern District of Ohio, and was a by counsel. On consideration whereof, It Here ordered, adjudged, and decreed by this that the final order and decree of the said D Court in this cause be, and the same is her reversed; and that this cause be, and the is hereby remanded to the said District for further proceedings in conformity to

per Mr. Chief Justice Fulle

315. The United States, Appellant, vs. Bong Meng. Appeal from the D Court of the United S the Northern District

This cause came on to be heard on the transcri the record from the District Court of the Unite for the Northern District of Ohio, and was a by counsel. On consideration whereof, It Here ordered, adjudged, and decreed by this C that the final order and decree of the said D Court in this cause be, and the same is hereb versed; and that this cause be, and the sam be remanded to the said District Court fo ther proceedings in conformity to law.

per Mr. Chief Justice Fu

316. The United States, Appellant, vs. Woo Joe. Appeal from the District Court of the United States for the Northern District of Ohio.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Ohio, and was argued by counsel. On consideration whereof, it is now here ordered, adjudged, and decreed by this Court that the final order and decree of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby remanded to the said District Court for further proceedings in conformity to law.

Per Mr. Chief Justice Fuller.

Ex parte In the matter of Thomas E. Barrett, Petitioner. Ex parte In the matter of John P. Dolan, Petitioner. Ex parte In the matter of Frank Garrett, Petitioner. On consideration of the motions for leave to file petitions for writs of habeas corpus herein, it is now here ordered by the Court that said motions be, and the same are hereby, denied.

Per Mr. Chief Justice Fuller.

310. Calvin R. Mutt et al., Plffs in Error, vs. S. Prentiss Smut et al. It is ordered by the Court that the further consideration of the motions to dismiss or affirm in this cause be, and the same is hereby postponed until the hearing of the cause on the merits.

Per Mr. Chief Justice Fuller.

475. Shewan, Tomes & Company, Claimants of the Cargo of the Steamship "Afton," Petitioners, vs. Merchant Banking Company, Limited. On petition for writ of Certiorari to the United States Circuit Court of Appeals for the Second Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of Counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

71. John J. Moore vs. The United States. Appellant. On motion of Mr. W. W. Dudley, of Counsel for the appellant, leave is hereby granted the Clerk to issue the mandate in this cause.

471. The City of Davenport vs. William Russell Allen et al. Petitioner, The petition for a writ of Certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Joe R. Lane, in support of the same, and Mr. F. N. Judson, in opposition thereto.

124. William R. Little, vs. Adolphus Gerald, Chief of Police of the City of Montgomery, Alabama. Appellant. Appeal from the Circuit Court of the United States for the Middle District of Alabama.

This cause having been called for hearing in its regular order, and it appearing to the Court that the parties have failed to print the transcript of the record, It is, therefore, in pursuance of the tenth rule of this Court, now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed, with costs.

(Per Mr. Chief Justice Fuller.)

103. Swift & Company et al, vs. The United States. Appellants, The argument of this cause was continued by Mr. Attorney General, Moody, of counsel for the appellees, and concluded by Mr. John S. Miller, of counsel for the

Monday, January 9th, 1905, Continued.

Ex parte In the matter of Albert Heff, (Petitioner.)

No. (Original.)

for the petitioner.)

The argument of this cause was commenced by Mr. A.E. Crane, of counsel,

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened,

On motion first made to the Court in this behalf by Mr. William John Miller it is ordered that Joseph Fettretch, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas H. Clark it is ordered that Edward A. Lane, Esquire, of Pittsfield, State of New Hampshire, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. C. Needham it is ordered that John R. Aitken, Esquire, of San Francisco, State of California, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

477. Bertha Doctor et al., Appellants, vs. John J. Harrington et al. On motion of Mr. Thomas A. Clark, in behalf of counsel for the appellants, It is ordered by the Court that this cause be, and the same is hereby, advanced pursuant to the 31st Rule.

14, Original. Ex parte In the matter of Albert Heff, Petitioner. The argument of this cause was continued by Mr. A. E. Crane, of counsel for the petitioner, and Mr. Solicitor General Hoyt, of counsel for the respondent, and concluded by Mr. A. E. Crane, of counsel for the petitioner. Leave was granted counsel to file additional briefs within five days.

18. The Creede and Cripple Creek Mining and Milling Co., vs. Petitioner, The Uinta Mining and Transportation Co. On motion of Mr. C. S. Thomas, of counsel for the petitioner, It is ordered by the Court that leave be granted to Mr. J. C. Helm to file a printed brief and to argue this cause orally as amicus

curiae.)

18. The Cripple Creek and Cripple Creek Mining and Milling Co., Petitioner, vs. The Uinta Mining and Transportation Co.

The reargument of this cause was commenced by Mr. C. S. Thomas, of counsel for the petitioner, and continued by Mr. J. C. Helm, as amicus curiae, and Mr. Charles J. Hughes, Jr., of counsel for the respondent.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Wednesday, January 11th, 1905.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. W. W. Dudley it is ordered that William R. Ramsey, Esquire, of Denver, State of Colorado, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. B. Browne it is ordered that Frank Dale, Esquire, of Guthrie, Territory of Oklahoma, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George A. Lamar it is ordered that Frederick

L. Cornwell, Esquire, of Mayaguez, Porto Rico, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court on his behalf by Mr. Crammond Kennedy it is ordered that Charles Fuller, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

18. The Creede and Cripple Creek Mining and Milling Co., Petitioner vs. The Uinta Mining and Transportation Co.

The reargument of this cause was continued by Mr. Charles J. Hughes, Jr., of Counsel for the respondent, and concluded by Mr. C. S. Thomas, of Counsel for the petitioner.

119. Isaac N. E. Allen et al., Plffs in Error, vs. The Alleghany Company.

This cause was argued by Mr. Alexander S. Bacon, of Counsel for the plaintiffs in error, and Mr. James A. Gordon, of Counsel for the defendant in error, and leave was granted Counsel to file additional Briefs on or before Monday next.

120. Giovanni Lavagnino, Plff in Error, vs.

The argument of this cause was commene-

Wednesday, January 11th, 1905, Continued.

of Counsel for the plaintiff in error, and continued by Mr. D. K. Wenger, of Counsel for the defendants in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Thursday, January 12th, 1905.

Pursuant to adjournment the Court met to-day at the Capitol.

Present.

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. John W. Daniel it is ordered that S. Gordon Cumming, Esquire, of Hampton, State of Virginia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank Dale it is ordered that John W. Scothorn, Esquire, of Guthrie, Territory of Oklahoma, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Mr. Swagar Sherley it is ordered that John A. Chandler, Esquire, of Louisville, State of Kentucky, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. H. H. Miller it is ordered that B. W. Langdon, Esquire, of Lafayette, State of Indiana, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

127. Sotirios S. Lontos Charalambis, Appellant, vs. William Williams, Commissioner of Immigration &c. On motion of Mr. Assistant Attorney General McReynolds, of Counsel for the appellee, it is ordered by the Court that this cause be, and the same is hereby, passed temporarily.

120. Giovanni Lavagnino, Plff in Error, vs. Edmund A. Uhlig et al. The argument of this cause was continued by Mr. D. H. Wenger, of Counsel for the defendants in error, and concluded by Mr. A. B. Browne, of Counsel for the plaintiff in error.

121. P. L. Flanigan, Petitioner, vs. The County of Sierra. This cause was argued by Mr. C. C. Cole, of Counsel for the petitioner, and

Mr. Frank R. Keke, of counsel for the respondent.

122. D. E. Wheeler et al., vs. The County of Humas. Petitioners. This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. C. C. Cole and Mr. J. C. Campbell, of counsel for the petitioners, and Mr. U. S. Webb and Mr. C. N. Post, of counsel for the respondent.

123. John Rooney, vs. The State of North Dakota. Plff in Error. This cause was argued by Mr. Burleigh, F. Spalding, of counsel for the plaintiff in error, and Mr. Emerson Hall Smith, of counsel for the defendant in error.

125. United States of America, vs. The Montana Lumber and Manufacturing Co., et al. United States of America. The argument of this Cause was commenced by Mr. M. C. Burch, of counsel for the

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Friday, January 13th, 1905.

Pursuant to adjournment the Court met today at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Wilhelmus Mynderse it is ordered that Walter F. Taylor, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Chester Howe it is ordered that D. C. Lewis, Esquire, of Oklahoma City, and Allen W. Comstock, Esquire, of Ponca City, Territory of Oklahoma, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by

Mr. Moses E. Clapp it is ordered that George H. Peterson, Esquire, of Long Prairie, State of Minnesota, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

195. United States of America, vs. The Montana Lumber & Manufacturing Company et al. The argument of this cause was concluded by Mr. M. C. Burch, of counsel, for the United States of America. No counsel appeared for The Montana Lumber & Manufacturing Company et al.

196. Martha S. Munsey, vs. M. Swain Clough, Sheriff &c. Plff in Error. This cause was argued by Mr. Edward A. Lane, of counsel, for the plaintiff in error, and submitted on a printed argument by Mr. Edwin G. Eastman, of counsel for the defendant in error.

197. The Oceanic Steam Navigation Company, Limited, vs. John W. Aitken et al. Petitioner, The argument of this cause was commenced by Mr. Everett P. Wheeler, of counsel for the petitioner.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday, January 16th, 1905.

Pursuant to adjournment the Court met to-day at the Capitol.

Present:

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. J. C. McReynolds it is ordered that Frederick M. McReynolds, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Henry Butler it is ordered that David Milliken, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by

Mr. John S. Little it is ordered that N. H. Norton, Esquire, of Forrest City, State of Arkansas, be admitted to practice as an attorney and counsellor of this Court and, he was sworn accordingly

On motion first made to the Court in this behalf by Mr. D. H. Pinney it is ordered that William P. Richardson, Esquire, of Phoenix, Territory of Arizona, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry E. Davis it is ordered that Ferdinand, E. M. Bullowa, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank Dale it is ordered that Anton H. Classen, Esquire, of Oklahoma City, Territory of Oklahoma, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Waldemar Van Cott it is ordered that Charles, W. Morse, Richard W. Young, and W. M. McCarty, Esquires, of Salt Lake City, State of Utah, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

The United States, Appellant,
275. vs. Appeal from the
The Harvey Steel Company. Court of Claims.

This cause came on to be heard on the transcript of the record from the Court of Claims, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Holmes.

Joseph Ralph Burton, On petition for writ of cer-
334. vs. Petitioner, tiorari to the United States
The United States. Circuit Court of Appeals for the Eighth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of Counsel in support of the same, It is now here ordered by the Court that said petition be, and the same is hereby denied.

Per Mr. Justice Peckham.

Joseph Ralph Burton, In Error to the District Court
343. vs. of the United States for the
The United States. Eastern District of Missouri.

This cause came on to be heard on the transcript of the record from the District Court of the United States for

the Eastern District of Missouri, and was argued by Counsel. On consideration whereof, It is now hereordered and adjudged by this Court that the judgment of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court with directions to grant a new trial.

Per Mr. Justice Peckham.

98. C. P. Cook and Ed. Plunkett, Plffs in Error, v. The County of Marshall, State of Iowa. In Error to the Supreme Court of the State of Iowa.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Iowa, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Brewer.

(Mr. Justice White concurs in the judgment.)

Dissenting:
Mr. Chief Justice Fuller,
Mr. Justice Brewer and
Mr. Justice Peckham.

150. R. E. Hodge and Mrs. J. Tabor, vs. Iliff in Error, Muscatine County et al. — On Error to the Supreme Court of the State of Iowa.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Iowa, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Brown.

Dissenting:
Mr. Chief Justice Fuller,
Mr. Justice Brewer and
Mr. Justice Peckham.

362. The Madisonville Traction Company, Appellant, vs. The Saint Bernard Mining Company. — Appeal from the Circuit Court of the United States for the Western District of Kentucky.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western District of Kentucky, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Harlan.

Dissenting: Mr. Justice Holmes, Mr. Chief Justice Fuller, Mr. Justice Brewer,

1171. The City of Davenport, Petitioner, v. William Russell Allen Elizabeth L. Donaldson et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

251. The United States ex rel. Martin A. Knapp et al., Interstate Commerce Commissioners, v. Hoffs in Error, The Lake Shore & Michigan Southern Railway Co.) The motion to advance this cause, was submitted to the consideration of the Court by Mr. Solicitor General Hoyt, in support of the same, and Mr. George C. Greene, in opposition thereto.

189. F. M. Virgman et al., Appellants, v. A. N. Parsons et al., Receivers &c.) The motions to dismiss or affirm in this cause, were submitted to the consideration of the Court on the record, and printed arguments by Mr. Norris Morey, in support of the same, and Mr. F. [illegible]

opposition thereto. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed argument by Mr. P. N. Busbee, in support of the same, and Mr. Norris Morey, in opposition thereto.

1465. Charles H. Morse et al., Petitioners, vs. Reading Company, Claimant. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Eugene P. Carver and Mr. E. E. Blodgett, in support of the same, and Mr. R. M. Morse, and Mr. W. M. Richardson, in opposition thereto.

1488. Augustus L. Shaffer, Petitioner vs. The United States. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Henry E. Davis, Mr. D. W. Baker and Mr. W. J. Lambert, in support of the same, and Mr. Solicitor General Hoyt, in opposition thereto.

142. Royal Insurance Co., Plff in Error, vs. Robert Miller, Special Master &c. On motion of Mr. J. S. Flannery, of counsel for the plaintiff in error, it is ordered by the Court that this cause be, and the same is hereby, passed, subject to the provisions of section 7 of Rule 16.

190. The Hartford Fire Insurance Co., of Connecticut et al, vs. John C. Perkins, Commissioner &c. Appellants, Mr. D. H. McReynolds, of counsel for the appellants, submitted to the consideration of the Court a motion to continue this cause until the next term.

132. The Territory of Oklahoma on the relation of Oklahoma Gas & Electric Company, vs. J. E. DeWolfe, The Peoples Gas Company and A. F. Binns, Appellants. Appeal from the Supreme Court of the Territory of Oklahoma.

It appearing to the Court that an authority of counsel for the appellant to dismiss this appeal has been filed, Therefore, in pursuance of said authority, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Fuller.

111. The Hamburg-American Steamship Co., vs. Minnie Grube, Admx &c., Plff in Error. The motions to dismiss or affirm in this cause were submitted to the Consideration of the Court on the record and printed arguments by Mr. Gilbert D. Lamb in support of the motion to dismiss and Mr. Edward Colston contra.

same, and Mr. Everett P. Wheeler, in opposition thereto.

128. The Oceanic Steam Navigation Company, Limited, Petitioner, v. John W. Aitken et al. — The argument of this cause was continued by Mr. Everett P. Wheeler, of counsel for the petitioner, and Mr. Wilhelmus Mynderse and Mr. Walter F. Taylor, of counsel for the respondents, and concluded by Mr. Everett P. Wheeler, of counsel for the petitioner.

129. Sallie J. McDaniel et al., Appellants, v. George M. Taylor et al. — This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. G. D. Webster, of counsel for the appellants, and Mr. N. W. Norton, of counsel for the appellees.

130. Howe Scale Co. of 1886, et al., Petitioners, v. Wyckoff, Seamans & Benedict. — The argument of this cause was commenced by Mr. Henry D. Donnelly, of counsel for Wyckoff, Seamans & Benedict.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
} Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Edmund Wetmore it is ordered that George Donworth, Esquire, of Seattle, State of Washington, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

The Hartford Fire Insurance Company of Connecticut, et al., Appellants, vs. John C. Perkins, Commissioner of Insurance. } Appeal from the Circuit Court of the United States for the District of South Dakota.

This cause having been called to the attention of the

appellants, and he having moved the Court to dismiss the appeal, Therefore, in pursuance of said motion, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Fuller.

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190. The Hartford Fire Insurance Co., of Connecticut, et al., Appellants, v. John C. Perkins, Commissioner. On motion of Mr. F. W. McReynolds, of Counsel for the appellants, leave is hereby granted the Clerk to issue the mandate in this cause.

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138. Swan A. Ramsey, Plff in Error, v. The Peoria Land Co., et al. This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. John F. Shafroth, of Counsel for the plaintiff in error, and Mr. S. Warburton, of Counsel for the defendants in error.

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130. Howe Scale Co., of 1886, et al., Petitioners, v. Wyckoff, Seamans & Benedict. The argument of this cause was continued by Mr. Henry D. Donnelly, of Counsel for Wyckoff, Seamans & Benedict, and Mr. George P. Fisher, Jr., and Mr. Austen G. Fox, of Counsel for Howe Scale Co., of 1886, et al., and concluded by Mr. Edmund Wetmore, of Counsel for Wyckoff, Seamans & Benedict.

131. William A. McCaffrey et al., vs. Lizzie C. Manogue et al.; Appellants,

of Counsel for the appellants:

The argument of this cause was commenced by Mr. A. A. Birney.

130. Howe Scale Co., of 1886, et al., vs. Wyckoff, Seamans & Benedict, Petitioners,

It is ordered by the Court that, leave be, and the same is hereby, granted to Counsel for Wyckoff, Seamans & Benedict to file an additional brief herein within three days and to Counsel for the petitioners to file a reply thereto.

Proclamation being made the Court is adjourned, until, to-morrow at twelve o'clock.

Wednesday, January 15th, 1902.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Attorney General Moody it is ordered that John R. Thayer, Esquire, of Worcester, State of Massachusetts, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George A. King it is ordered that James H. Beal, Esquire, of Pittsburgh, State of Pennsylvania, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by

Mr. Richard Randolph McMahon it is ordered that Orestes O. Pinney, Esquire, of Cleveland, State of Ohio, be admitted to practice as an attorney and counselor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry S. Robbins it is ordered that James G. Elsdon, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

131. William H. McCaffrey et al., Appellants, vs. Lizzie C. Manogue et al. Reargument of this cause was continued by Mr. A. A. Birney, of counsel for the appellants, and Mr. Edwin Forrest and Mr. A. A. Hoehling Jr. of counsel for the appellees, and concluded by Mr. O. B. Hallaw, of counsel for the appellants.

132. Walter W. Small, Plff in Error, vs. Samuel O. Rakestraw. This cause was argued by Mr. George A. King, of counsel, for the plaintiff in error. No counsel appeared for the defendant in error.

134. Florida McGuire et al., Petitioners, vs. William A. Blount et al. This cause was submitted to the

Court on the record and printed arguments by Mr. Benjamin Micou and Mr. A. A. Herbert, of Counsel for the petitioners, and Mr. William A. Blount and Mr. A. G. Blount, Jr., of Counsel for the respondents, and leave was granted Counsel for the respondents to file an additional brief and to Counsel for the petitioners to file a reply thereto within one week.

135. George D. Whitaker et al., vs. Plff in Error, Thomas McBride et al. This cause was submitted to the Consideration of the Court on the record and a printed argument by Mr. M. P. Kinkaid, of Counsel for the defendants in error, and leave was granted Counsel for the plaintiffs in error to file a brief within three days.

136. The United States, vs. Appellant, Albert G. Engard. This cause was argued by Mr. John L. Thompson, of Counsel for the appellant, and Mr. William B. King, of Counsel for the appellee.

137. The City of Oklahoma City vs. Plff in Error, Frank McMaster. The argument of this cause was commenced by Mr. Frank Dale, of Counsel for the plaintiff in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Henry M. Goldfogle it is ordered that Ralph Nathan, Esquire, of New York City, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Benjamin Nieon it is ordered that Frank Spriggs Perry, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. V. Brookshire it is ordered that Henry M. Owens, Esquire, of San Francisco, State of California, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John A. Moon it is ordered that S. B. Dishman, Esquire, of Barbourville, State of Kentucky, and John P. Tillman, Esquire, of Birmingham, State of Alabama, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

975. The United States, Appellant, vs. The Harvey Steel Co. On motion of Mr. A. B. Browne, in behalf of counsel for the appellee, leave is hereby granted the Clerk to issue the mandate in this cause.

137. The City of Oklahoma City, Plff in Error, vs. Frank McMaster. The argument of this cause was continued, by Mr. Chester Howe, of counsel for the defendant in error, and concluded by Mr. Frank Dale, of counsel for the plaintiff in error.

The First National Bank of Chicago et al., Petitioners,
v.
The Chicago Title and Trust Company, Trustee, et al.

No. 139.

The argument of this cause was commenced by Mr. Henry S. Robbins, of counsel for the petitioners, and continued by Mr. Joseph E. Paden, of counsel for the respondents.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Monday, January 30th, 1905.

Pursuant to adjournment the Court met today at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. A. J. Hopkins it is ordered that Howard N. Ogden, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. D. Crumpacker it is ordered that Harvey Lantz, Esquire, of Chicago, State of Illinois, and A. K. Sills, Esquire, of Monticello, State of Indiana, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. F. Cooper it is ordered that William Brennan, Jr.

Esquire, of Buffalo, State of New York, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. D. W. Warren it is ordered that Clement R. Lamson, Esquire, of Boston, State of Massachusetts, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph R. Webster it is ordered that Francis G. Hamer, Esquire, of Kearney, State of Nebraska, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

155. Robert Philpot, Appellant, vs. Fulton O'Brion et al. Appeal from the United States Circuit Court of Appeals for the First Circuit.

This cause having been called for hearing in its regular order, and it appearing to the Court that the parties have failed to print the transcript of the record, &c. therefore, in pursuance of the tenth rule of this Court, now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed with costs.

per Mr. Chief Justice Fuller.

139. The First National Bank of Chicago et al., Petitioners, vs. The Chicago Title and Trust Co., Trustee, et al.

The argument of this cause was continued by Mr. Joseph E. Gadon and Mr. Newton Hyatt, of counsel for the respondents, and concluded by Mr. Henry S. Robbins, of counsel for the petitioner.

140. Ng Hong Li, Appellant, vs. The United States.

This cause was argued by Mr. Max J. Kohler, of counsel for the appellant, and Mr. Assistant Attorney General Rob[illegible], of counsel for the appellee.

141. Winfield S. Gregg, Petitioner, vs. The Metropolitan Trust Co., et al.

The argument of this cause was commenced by Mr. Harlan Cleveland, of counsel for the petitioner.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday, January 23d, 1905.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.
John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Attorney General Moody it is ordered that Jacob P. Choate, Esquire, of Amesbury, and Lee M. Friedman, Esquire, of Boston, State of Massachusetts, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. F. M. Cockrell it is ordered that Joseph E. Cockrell, Esquire, of Dallas, State of Texas, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Hoyt it is ordered that John B. Simmons, Esquire, of Racine, State of Wisconsin, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. J. Hopkins it is ordered that John K. Newhall, Esquire, of Aurora, State of Illinois, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. A. Moon it is ordered that L. P. Cunningham, Esquire, of Joplin, State of Missouri, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Walter Lord it is ordered that Vincent J. Walsh, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. M. J. Colbert it is ordered that James M. Dohan, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. E. Humphrey it is ordered that S. G. Cosgrove, Esquire, of Pomeroy, State of Washington, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. L. E. Payson it is ordered that Peter Brambin Dunne, Esquire, of San Francisco, State of California, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Melville Church it is ordered that Francis Woodbridge, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry S. Robbins it is ordered that H. Tudor Ap Madoc, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

96. The United States, Appellant, vs. Walter S. Crosley. Appeal from the Court of Claims.

This cause came on to be heard on the transcript of the record from the Court of Claims, and was argued by

ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause be, and the same is hereby, modified, disallowing the sums claimed in the petition and carried into the judgment on account of mounted pay and longevity pay based thereon, and, as so modified, be, and the same is hereby, affirmed.

Per Mr. Justice Day.

192. John Rooney, Plff in Error, vs. The State of North Dakota. In Error to the Supreme Court of the State of North Dakota.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of North Dakota, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Harlan.

140. Ng Hong Li, Appellant, vs. The United States. Appeal from the District Court of the United States for the Eastern District of New York.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of New York, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this

Court that the order of the said District Court in this cause be, and the same is hereby affirmed.

(Per Mr. Chief Justice Fuller.)

189. F. M. Virgman, C. G. Beling, F. F. Brown and Andrew Brown, Appellants, vs. A. N. Persons and J. R. Hazel, Receivers of The Bank of Commerce in Buffalo, New York. Appeal from the United States Circuit Court of Appeals for the Fourth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and on motions to dismiss or affirm which were argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed for the want of jurisdiction.

(Per Mr. Chief Justice Fuller.)

189. F. M. Virgman, C. G. Beling et al., Petitioners, vs. A. N. Persons and J. R. Hazel, Receivers of The Bank of Commerce in Buffalo, New York. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court

argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

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94. Henry Muhleker, Plff in Error, vs. The New York & Harlem Railroad Company et al.

It is ordered by the Court that this cause be, and the same is hereby, restored to the docket for reargument and assigned to be heard on Monday, February 20th next, after the cases heretofore assigned for that day.

Per Mr. Chief Justice Fuller.

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251. The United States ex rel. Martin A. Knapp et al., Interstate Commerce Commissioners, Plffs in Error, vs. The Lake Shore and Michigan Southern Railway Company.

On consideration of the motion to advance this cause, It is now here ordered by the Court that said, motion be, and the same is hereby, granted, and the cause assigned for argument on Monday, February 20th next, after the cases heretofore assigned for that day.

Per Mr. Chief Justice Fuller.

465. Charles M. Morse et al. vs. Reading Company Claimant of the Barge "Pine Forest." Petitioners. On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

On consideration of the petition for writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby denied.

Per Mr. Chief Justice Fuller.

488. Augustus L. Shaffer, Petitioner, vs. The United States. On petition for writ of certiorari to the Court of Appeals of the District of Columbia.

On consideration of the petition for a writ of certiorari herein to the Court of Appeals of the District of Columbia, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby denied.

Per Mr. Chief Justice Fuller.

The Chief Justice announced that the Court will take a recess from Monday, the 30th instant, to Monday, February 20th next.

Frederic W. Lincoln et al.,
1149. vs. Appeal from D. Conn.
The United States.

Warner, Barnes & Co., Limited,
466. vs. Appeal from C. C. A. 2d Cir.
The United States.

On motion of Mr. Solicitor General Hoyt, It is ordered by the Court that these cases be, and they are hereby, assigned for argument, as one case, on Monday, February 27th next, after the case heretofore assigned for that day.

The United States,
438. vs. Petitioner,
George E. Cadam et al.

Mr. Solicitor General Hoyt, of counsel for the petitioner, submitted to the consideration of the Court a motion for an order directing that the transcript of record filed as an exhibit to the petition for a writ of certiorari herein be taken as a return to said writ, and also a motion to advance this cause.

Edward H. Harriman et al.,
512. vs. Petitioners,
Northern Securities Company.

The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. William D. Guthrie, Mr. R. S. Lovett, Mr. Maxwell Evarts, Mr. John F. Dillon and Mr. D. T. Watson, in support of the same, and Mr. John G. Johnson, Mr. Elihu Root, Mr. Francis Lynde Stetson, and Mr. John K. Cowen in opposition thereto.

490. George E. Lorenz et al., vs. The United States. Petitioners. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Conrad H. Syme, Mr. Samuel Maddox, and Mr. Charles A. Douglass, in support of the same, and Mr. Solicitor General Hoyt and Mr. Assistant Attorney General Purdy, in opposition thereto.

506. Mineral Development Co., vs. Winfield Scott et al. Petitioner, The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. S. B. Dishman, in support of the same.

508. Russia Cement Company, vs. Abraham B. Frauenhar et al. Petitioner, The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments, by Mr. John Dane Jr. and Mr. John F. Dillon, in support of the same, and Mr. Ralph Nathan, in opposition thereto.

511. Albert R. Moullon, vs. George M. Coburn et al. Petitioner, The petition for a writ of certiorari herein was submitted to the consideration of the Court

support of the same, and Mr. Frederic D. McKenney, in opposition thereto.

474. Thomas F. Holden, Petitioner, vs. The United States. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. R. Ross Perry and Mr. R. Ross Perry, Jr., in support of the same and Mr. Solicitor General Hoyt, in opposition thereto.

424. Union Trust Co., et al., vs. Henry L. Wilson, Trustee, &c. On motion of Mr. Henry S. Robbins, of counsel for the Trust Co., et al., It is ordered by the Court that this cause be, and the same is hereby, advanced as under Rule 32.

424. Union Trust Co., et al., vs. Henry L. Wilson, Trustee &c. This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Henry S. Robbins and Mr. Charles R. Holden, of counsel for the Union Trust Co., et al., and Mr. Edwin Burritt Smith, Mr. George Packard, Mr. Vincent J. Walsh, and Mr. St. Tudor McMadoc, of counsel for Wilson, Trustee &c.

510. Thomas Dennison, Plff in Error, vs. George M. Christian. The motions to dismiss or affirm in this cause, were submitted to the consideration of the Court on printed arguments by Mr. A. C. Brome, in support of the same, and Mr. W. J. Connell, Mr. C. J. Smyth, and Mr. Ed. P. Smith, in opposition thereto.

196. J. B. Caro et al, Plffs in Error, vs. W. N. Davidson et al. The motion to dismiss in this cause was submitted to the consideration of the Court on the record and printed arguments by Mr. W. A. Blount and Mr. A. C. Blount, Jr., in support of the same, and Mr. H. A. Herbert and Mr. Benjamin Micou, in opposition thereto.

197. Sotirios S. Lontos Charalambis, Appellant, vs. William Williams, Commissioner of Immigration at the Port of New York. Appeal from the Circuit Court of the United States for the Southern District of New York.

It appearing to the Court that an authority of counsel for the appellant to dismiss this appeal has been filed, Therefore, in pursuance of said authority, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed with

1141. Winfield S. Gregg, vs. The Metropolitan Trust Company et al. Petitioner, The argument of this cause was continued by Mr. Harlan Cleveland, of Counsel for the petitioner, and Mr. Herbert Parsons and Mr. Lawrence Maxwell, Jr. of Counsel for the respondents, and concluded by Mr. Harlan Cleveland, of Counsel for the petitioner.

1143. The District of Columbia, vs. Elias E. Barnes. Appellant, This cause was argued by Mr. Robert A. Howard, of Counsel for the appellant, and Mr. John C. Fay, of Counsel for the appellee.

1144. The City of Worcester, Pltff in Error, vs. The Worcester Consolidated Street Ry Co.
1145. " " " " " " " " " " " " " " "
1146. " " " " et al, " " " " " " " " " "
1147. " " " " " " " " " " " " " " "
1148. " " " " et al, " " " " " " " " " "

The argument of these cases was commenced by Mr. Arthur P. Rugg, of Counsel for the plaintiff in error.

Proclamation being made, the Court is adjourned until tomorrow at twelve o'clock.

Tuesday, January 24th, 1905.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
} Associate Justices

John M. Wright, Esquire, Marshal.
James H. McKenney, Esq., Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. John C. Hart it is ordered that Linton Smith, Esquire, of Atlanta, State of Georgia, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. F. Cooper it is ordered that Christian Owens Burkert, Esquire, of Ashland, State of Pennsylvania, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

156. The Board of Supervisors of Riverside County, Cal., et al., Pffs in Error, vs. Robert A. Thompson. This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. John D. Works of counsel for the plaintiffs in error, and Mr. C. C. Wright, of counsel for the defendant in error, with leave to counsel for the plaintiffs in error to file a reply brief.

144. The City of Worcester, Pff in Error, vs. The Worcester Consolidated Street Ry Co.
145. " " " " " " " " " " " " " " "
146. " " " et al., " " " " " " " " " "
147. " " " " " " " " " " " " " "
148. " " " et al., " " " " " " " " " "

The argument of these cases was continued by Mr. Arthur P. Rugg, of counsel for the plaintiffs in error, and Mr. Bentley W. Warren, of counsel for the defendant in error, and concluded by Mr. Arthur P. Rugg, of counsel for the plaintiffs in error.

159. F. E. Kehrer, Pff in Error, vs. A. P. Stewart. The argument of this cause was commenced by Mr. Alex. H. Smith, of counsel for the plaintiff in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

477.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
} Associate Justices.

John M. Wright Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. George A. Yeaman it is ordered that Philip J. Britt, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Bertha Doctor et al., Appellants,
vs.
John J. Harrington et al.

On motion of Mr. George A. Yeaman, leave is hereby granted him to withdraw his appearance as counsel for the appellees in this cause and to file a printed brief as amicus curiae.

1771. Benita Doctor et al., Appellants, vs. John J. Harrington et al. This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Charles A. Hess, of counsel for the appellants, and Mr. Philip J. Britt, of counsel for the appellees, and Mr. George H. Yeaman, as amicus curiae.

168. Thomas E. Davis, Plff in Error, vs. Jacob Living et al. On motion of Mr. Maynard F. Stiles, of counsel for the plaintiff in error, It is ordered by the Court that this cause be, and the same is hereby, continued until the next term.

172. F. E. Kehrer, Plff in Error, vs. A. P. Stewart. The argument of this cause was continued by Mr. Alex. W. Smith, of counsel for the plaintiff in error, and Mr. John C. Hart, of counsel for the defendant in error, and concluded by Mr. Alex. W. Smith, of counsel for the plaintiff in error.

173. The United States, Appellants vs. James Stinson et al. The argument of this cause was commenced by Mr. M. C. Burch, of counsel for the appellants and continued by Mr. R. M. Bashford, of counsel for the appellees.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present:

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made, the Court is opened.

On motion first made to the Court in this behalf by Mr. P. C. Knox it is ordered that Rodney A. Mercur, Esquire, of Towanda, State of Pennsylvania, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. C. Littlefield it is ordered that A. B. Coen, Esquire, of Marietta, State of Ohio, and John J. Fitzgerald, Esquire, of Brooklyn, State of New York, be admitted to practice as attorneys and Counsellors of this Court and they were sworn accordingly.

135. George S. Whitaker et al., vs. Iff in Error Thomas McBride et al. On motion of Mr. Francis G. Hamer, of counsel for the plaintiffs in error, leave is hereby granted him to file an additional brief herein.

153. The United States, vs. Appellant, James Stinson et al. The argument of this cause was continued by Mr. R. M. Bashford, of counsel for the appellees, and concluded by Mr. John D. Simmons, of counsel for the appellant.

154. The City of Dawson, vs. Appellant, The Columbia Avenue Saving Fund, Safe Deposit, Title and Trust Company. The argument of this cause was commenced by Mr. Charles A. Douglass, of counsel for the appellant, and continued by Mr. O. J. Wimberly, of counsel for the appellee.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Pursuant to adjournment the Court met today at the Capitol.

Present:

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
Henry B. Brown,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Meyer Cohen it is ordered that Julius M. Mayer, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas M. Patterson it is ordered that Watson C. Coleman, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

154. The City of Dawson, Appellant, vs. The Columbia Avenue Saving Fund, Safe Deposit, Title & Trust Company.

The argument of this cause continued by Mr. O. J. Wilson of counsel for the appellee, and concluded by Mr. Dupont Guerry, of counsel for the appellant. Leave was granted counsel for the appellee to file an additional brief on or before Monday next, and to counsel for the appellant to file a reply thereto within three days thereafter.

419. The Territory of New Mexico ex rel. Caledonian Coal Co., Appellant, vs. Benjamin S. Baker, Associate Justice of the Supreme Court of the Territory of New Mexico et al.

Mr. Neill for of counsel for appellant, a suggestion Benjamin S. has ceased to Associate Ju of the Supreme Court of the Territory of New ico, and Judge of the District Court of the Secon Judicial District thereof, and has been succe in said office by Ira A. Abbott who has b duly appointed and qualified as such A ciate Justice &c., in the place and stead of sai Benjamin S. Baker, and submitted to the consideration of the Court a motion to ma such order in the premises as may be conf able to the rules and practice of this Court.

414. The Territory of New Mexico et al. Calumet Coal Co., Appellants, vs. Benjamin S. Baker, Associate Justice &c., et al.

This cause was argued by Mr. Neil B. Field, of counsel for the appellants, and Mr. Robert Dunlap, of counsel for the appellees.

413. The United States, Petitioner, vs. Morris Whitridge et al.

Reargument of this cause was commenced by Mr. Assistant Attorney General McReynolds, of counsel for the petitioner, and continued by Mr. Albert Comstock, of counsel for the respondents.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday, January 20th, 1902.

Pursuant to adjournment the Court met to-day at the Capitol.

Present:

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
Associate Justices.

John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. F. M. Cockrell it is ordered that Herbert S. Hadley, Esquire, of Jefferson City, State of Missouri, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

103.

On motion first made to the Court in this behalf by Mr. C. W. Fairbanks it is ordered that Alexander F. Morrison, Esquire, of San Francisco, State of California, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. F. H. Stephens it is ordered that Alfred C. Eicks,

Esquire, of St. Louis, State of Missouri, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Henry Butler, it is ordered that Peney Dudley, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter D. Davidge, it is ordered that G. H. S. Musgrave, Esquire, of Baltimore, State of Maryland, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Swift & Company et al., Appellants, vs. The United States. Appeal from the Circuit Court of the United States for the Northern District of Illinois.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois, and was argued by counsel. On consideration thereof, it is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, modified as follows:

By defining the trade in fresh meat substantially as in the bill.

By combining the defendants

stockyards named in the bill which stock is sent from other States to the said stock yards for sale or is bought at those yards for transport to another state.)

3. By inserting between "dealers in such meats" and "the effect of which rules" the words "as charged in the bill", and inserting the same words between "dealers and Consumers" and "the effect of which".

4. By striking out the words "or by any other method or device, the purpose and effect of which is to restrain Commerce as aforesaid"

and, as so modified, be, and the same is hereby, affirmed.)

Per Mr. Justice Holmes

196.

138.

133. Walter H. Small, vs. Samuel C. Raker et al. In Error to the Supreme Court of the State of Montana.

This Cause came on to be heard on the transcript of the record from the Supreme Court of the State of Montana, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Holmes.

Martha S. Munsey, Plff in Error
vs. In Error to the Superior Court of the State of New Hampshire
M. Swain Clough, Sheriff of Merrimack County.

This cause came on to be heard on the transcript of the record from the Superior Court of the State of New Hampshire, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Superior Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Peckham.

Susan A. Ramsay, Plff in Error
vs. In Error to the Supreme Court of the State of Washington
The Tacoma Land Company et al.

This cause came on to be heard on the transcript of record from the Supreme Court of the State of Washington, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Brewer.

18. The Creede and Cripple Creek Mining and Milling Company, Petitioner, vs. The Uinta Tunnel Mining and Transportation Company. — On writ of cer the United St Circuit Court of for the Eighth

This cause came on to be heard on the transcript record from the United States Circuit Court of for the Eighth Circuit, and was argued by co On consideration whereof, It is now here ordere adjudged by this Court that the judgment of United States Circuit Court of Appeals in this and the same is hereby, affirmed with cost that this cause be, and the same is hereby, rem to the Circuit Court of the United States for the of Colorado.

Per Mr. Justice Brewer.

156. The Board of Supervisors of Riverside County, State of California, et al., vs. Robert H. Thompson, Plffs in Error, — In Error to the Sixth Circuit of Appeals for Ninth Circ

This cause came on to be heard on the transcript the record from the United States Circuit Court of peals for the Ninth Circuit, and was argued by co On consideration whereof, It is now here ordered adjudged by this Court that the writ of error in cause be, and the same is hereby, dismissed, for want of jurisdiction. Per Mr. Chief Justice

510. Thomas Dennison, Plaintiff in Error, vs. George M. Christian. In Error to the Supreme Court of the State of Nebraska.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Nebraska, and on motions to dismiss or affirm which were argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Fuller.

134. Florida McGuire et al., Petitioners, vs. William A. Blount et al.

It is ordered by the Court that this cause be, and the same is hereby, restored to the docket for oral argument.

Per Mr. Chief Justice Fuller.

438. The United States, Petitioners, vs. George E. Cadaran et al.

On consideration of the motion that the transcript of record filed as an exhibit to the petition for a writ of certiorari herein be taken as a return to said writ, It is now here ordered by the Court that said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Fuller.

1438. The United States, Petitioner, vs. George E. Ludam et al. On consideration, motion to advance cause, It is now ordered by the Co that said motion be, and the same is hereby, g and the cause assigned for argument on Mo February 20th next, after the cases heretofor assigned for that day.

Per Mr. Chief Justice Fu

1474. Thomas P. Holden, Petitioner, vs. The United States. On petition for w certiorari to the C Appeals of the D of Columbia

On consideration of the petition for a w certiorari herein to the Court of Appeals District of Columbia, and of the argume counsel thereupon had, as well in suppo as against the same, It is now here ord by the Court that said petition be, and the is hereby, denied.

Per Mr. Chief Justice Fu

1490. George E. Lorenz et al., Petitioners, vs. The United States. On petition for writ of c to the Court of Appea the District of Colum

On consideration of the petition for a writ of ce tiorari herein to the Court of Appeals of the Dist of Columbia, and of the argument of counsel thereupon had, as well in support of as aga

the same, It is now here ordered by the Court that said petition be, and the same is hereby denied.

Per Mr. Chief Justice Fuller.

506. Mineral Development Company, Petitioners, vs. Winfield Scott et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of Counsel in support of the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

508. Russia Cement Company, Petitioner, vs. Abraham B. Frauenhar and Henry Grupe, trading as Columbia Wax Works. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of Counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

511. Albert R. Moulton, Petitioner, vs. George M. Coburn and William B. Lewis, Copartners, as George M. Coburn & Company. On petition for certiorari to t States Circu of Appeals f First Circu

On consideration of the petition for a writ of c herein to the United States Circuit Court of A for the First Circuit, and of the argument s thereupon had, as well in support of as the same, It is now here ordered by the Court said petition be, and the same is hereby, den

Per Mr. Chief Justice Ful

512. Edward H. Harriman et al, Petitioners, vs. Northern Securities Company. On petition for writ tiorari to the Unit Circuit Court of for the Third C

On consideration of the petition for a writ o tiorari herein to the United States Circuit Co Appeals for the Third Circuit, and of the arg of counsel thereupon had, as well in supp as against the same, It is now here ord by the Court that said petition be, and t same is hereby, granted.

It is further ordered that the transcript the record filed as an exhibit to the petit stand as a return to said writ, and that cause be, and the same is hereby, assigned argument on Monday, February 5th n

after the cases heretofore assigned for that day.
Per Mr. Chief Justice Fuller.

Ex parte In the matter of
Peter Miller and Thomas Thompson, Petitioners.

The motion for leave to file a petition for a writ of habeas corpus herein was submitted to the consideration of the Court on printed arguments by Mr. Thomas M. Patterson, in support of the same, and Mr. A. B. Browne, Mr. N. C. Miller, and Mr. J. M. Waldron, in opposition thereto.

467. William E. Brown, Petitioner,
vs.
The First National Bank of Newton, Kansas.

The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. William E. Brown, in support of the same, and leave was granted Counsel for the respondent to file a printed brief in opposition thereto within one week.

7, Original. The State of Kansas, Complainant,
vs.
The State of Colorado et al.,
The United States, Intervenor.

On motion of Mr. Assistant Attorney General Campbell, of counsel for the United States, and in pursuance of a stipulation of counsel for the respective parties this day filed, It is now here ordered by the Court that

Intervenor, shall begin to take its evidence in said cause on the 20th day of January, 1905, and shall finish the taking of same within sixty days thereafter; that the State of Colorado and the other defendants shall have sixty days thereafter to present and finish taking their evidence; and that the State of Kansas shall have thirty days thereafter, in which to present and finish taking its evidence in said cause.

Per Mr. Chief Justice Fuller.

507. American Alkali Co. &c., Petitioner, v. Pedro G. Salom. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Reynolds D. Brown, in support of the same, and Mr. J. C. Fraley, in opposition thereto.

S. B. Kleinert Rubber Company et al., Petitioners, v. Albert Stein et al. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Louis C. Raegener, in support of the same, and Mr. James A. Peiree, Mr. George P. Fisher, Jr., and Mr. William Henry Dennis, in opposition thereto.

The State of Missouri,
ing. vs. Complainant,
The State of Nebraska, &c.

Mr. Herbert S. Hadley, of counsel for the complainant, submitted to the consideration of the Court a stipulation of counsel as to final decree herein, and a motion for a decree in pursuance thereof.

Emma Thomas et al.
vs. Appeals in Error,
Joseph P. Blair et al,
Executors &c, et al,

The motions to dismiss or affirm in this cause were submitted to the consideration of the Court on the record and printed arguments of Mr. George Denegre and Mr. Charles Payne, Jenner, in support of the same, and Mr. John Johnson, Mr. Elihu Root, Mr. Henry L. Sageus, and Mr. Henry Denis, in opposition thereto.

Richard N. Field,
&c. T. 1903. vs. Appellant
& Barber Asphalt Paving Co.
Barber Asphalt Paving Co.,
&c. T. 1903. vs. Appellant,
Richard N. Field.

Mr. Thomas H. Clark in behalf of Richard N. Field, submitted to the consideration of the Court a motion to recall the mandate issued herein and for a taxation of costs.

518. J. Campbell Thompson, Petitioner, vs. Augustus N. Skillin, Trustee &c. The petition for a writ of certiorari, herein was submitted to the consideration of the Court on printed arguments by Mr. Roger Foster, in support of the same, and Mr. William John Barr, in opposition thereto.

181. Fred Sanders, Plff in Error, vs. The Commonwealth of Kentucky. In Error to the Court of Appeals of the State of Kentucky.

It appearing to the Court that a stipulation of counsel for the respective parties to dismiss the writ of error in this cause has been filed, Therefore, in pursuance of said stipulation, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Fuller.

181. Fred Sanders, Plff in Error, vs. The Commonwealth of Kentucky. It is ordered by the Court that leave be, and the same is hereby, granted the Clerk to issue the mandate in this cause.

413. The United States, Petitioner, vs. Morris Whitridge, et al.

The argument of this cause was continued by Mr. Albert Comstock and Mr. H. R. Sears, of Counsel for the respondents, and concluded by Mr. Assistant Attorney General McReynolds, of Counsel for the petitioner.

Proclamation being made the Court is adjourned until Monday, February 6th next at twelve o'clock.

Monday, February 20th, 1905.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.
John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Hoyt it is ordered that George Wharton Pepper and W. B. Bodine, Jr., Esquires, of Philadelphia, State of Pennsylvania, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. W. Fairbanks it is ordered that Frank A. Hall, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

n motion first made to the Court in this behalf by
r. J. M. Thurston it is ordered that Elmer Ellsworth
homas, Esquire, of Omaha, State of Nebraska, and
harles W. Fulton, Esquire, of Astoria, State of
regon, be admitted to practice as attorneys
nd Counsellors of this Court and they severe
worn accordingly.

motion first made to the Court in this behalf
Mr. P. H. Cushman it is ordered that Charles
Gilbert Claypool, Esquire, of Fairbanks,
Alaska, be admitted to practice as an attor
ey and Counsellor of this Court and he
as sworn accordingly.

motion first made to the Court in this be-
lf by Mr. J. C. Campbell it is ordered that
ey V. Long, Esquire, of San Francisco, State
California, be admitted to practice as an
torney and Counsellor of this Court and
e sworn accordingly.

motion first made to the Court in this behalf
Mr. H. D. Heyburn it is ordered that Carl A.
ris, Esquire, of Washington, District of Co-
mbia, be admitted to practice as an attor-
y and Counsellor of this Court and he
s sworn accordingly.

motion first made to the Court in this behalf
Mr. A. D. Browne it is ordered that

E. Borthell, Esquire of Laramie, State of Wyoming, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank Harvey Field it is ordered that George A. Gilman, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert A. Smith it is ordered that Daniel M. Hayne, Esquire, of Baltimore, State of Maryland, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. B. S. Rodey it is ordered that Herbert B. Holt, Esquire, of Las Cruces, and Richard L. Young, Esquire, of Las Cruces, Territory of New Mexico, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. J. Darlington it is ordered that Joseph A. McCullough, Esquire, of Greenville, State of South Carolina, be admitted to practice as an attorney

and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. M. Newlett it is ordered that Sherman F. Higgins, Esquire, of Ardmore, Indian Territory, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Spalding Flannery it is ordered that William Frye White, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry Oldenburg it is ordered that Jacob C. Pope, Esquire, of Mora, State of Minnesota, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

The Scottish Union and National Insurance Company, Appellant,
360. v. Appeals from the Circuit Court of the United States for the Southern District of Ohio.
Willis G. Bowland, Treasurer &c. et al

Willis G. Bowland, Treasurer &c, et al, Appellants,
361. v.
The Scottish Union and National Insurance Company.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Ohio, on appeal, and cross-appeal, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, reversed at the costs of the complainant; and that this cause be, and the same is hereby, remanded to the said Circuit Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Day.

The Cunnie Steam Navigation Company Limited, Claimant of the Steamship "Germania" &c, Petitioner,
128. v. On writ of Certiorari to the United States Circuit Court of Appeals for the Second Circuit.
John H. Aitken et al, and The Insurance Company of North America et al.

This cause came on to be heard on the transcript

of the record from the United States Circuit Court
of Appeals for the Second Circuit, and was argued
by counsel. On consideration whereof, It is now
here ordered, adjudged, and decreed by this Court
that the decrees of the said United States Circuit Court
of Appeals in this cause be, and the same are hereby,
affirmed with costs; and that this cause be, and
the same is hereby, remanded to the District Court
of the United States for the Southern District of
New York.

Per Mr. Justice Holmes.

James G. Coulter, S. W. Hager
and C. B. Hill,
vs. Appellants,
The Louisville & Nashville
Railroad Company.

Appeal from the
Circuit Court of
the United States
for the Eastern Dis-
trict of Kentucky.

This cause came on to be heard on the transcript
of the record from the Circuit Court of the United
States for the Eastern District of Kentucky, and
was argued by counsel. On consideration whereof
it is now here ordered, adjudged, and decreed by
this Court that the decree of the said Circuit Court
in this cause be, and the same is hereby, reversed
with costs; and that this cause be, and the
same is hereby, remanded to the said Circuit
Court with directions to dismiss the bill.

Per Mr. Justice Holmes.

171. P. L. Flanigan, Petitioner, vs. The County of Sierra. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the Northern District of California for further proceedings in conformity with the opinion of this Court.

Per Mr Justice McKenna.

172. D. E. Wheeler and D. W. Ridenour, partners, doing business under the firm name and style of Wheeler & Ridenour, Petitioners. vs. The County of Plumas. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the

be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the Northern District of California for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice McKenna.

131. William A. McCaffrey, Edward Quigley et al., Appellants, vs. Lizzie C. Manogue, George W. Manogue and Frank Foley. Appeal from the Court of Appeals of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the District of Columbia, and was argued by counsel; On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Court of Appeals in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Court of Appeals with directions to reverse the decree of the Supreme Court of the District of Columbia and remand the cause to that Court with directions to enter a decree in accordance with the opinion of this Court.

Per Mr. Justice McKenna.

Dissenting:
Mr. Justice Peckham.

125. The United States of America, vs. The Montana Lumber and Manufacturing Company, The Northern Pacific Railway Company et al. — On a certificate from the United States Circuit Court of Appeals for the Ninth Circuit.

This cause came on to be heard on a certificate from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel. On consideration whereof, It is the opinion of this Court that the first and third questions certified must be answered in the affirmative. Whereupon, It is now here ordered by this Court that it be so certified to the said United States Circuit Court of Appeals.

Per Mr. Justice McKenna.

(Mr. Justice Brewer concurs in the result.)

477. Bertha Doctor and Katherine Sayles, Appellants, vs. John J. Harrington, Dennis A. Harrington, Sol Sayles Company, and Sayles, Zahn Company. — Appeal from the Circuit Court of the United States for the Southern District of New York.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, reversed with costs, and that this cause be

and the same is hereby, remanded to the said Circuit Court for further proceedings in conformity with the opinion of this Court.

(Per Mr. Justice McKenna.)

63. Charles A. Utermehle, Plff in Error, vs. Mamie E. Normant et al. In Error to the Court of Appeals of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the District of Columbia, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Appeals in this cause be, and the same is hereby, affirmed with costs.

(Per Mr. Justice Peckham.)

117. Frank D. Thompson, Trustee in bankruptcy of Herbert E. Moore, bankrupt, Plff in Error, vs. Henry Fairbanks. In Error to the Supreme Court of the State of Vermont.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Vermont, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

137. The City of Oklahoma City, Plff in Error, vs. Brand Mc Master. In Error to the Supreme Court of the Territory of Oklahoma.

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory of Oklahoma, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court with directions to reverse the judgment of the District Court and remand the cause to that Court for a new trial.

Per Mr. Justice Peckham.

144. The City of Worcester, Plff in Error, vs. The Worcester Consolidated Street Railway Company. In Error to the Supreme Judicial Court of the State of Massachusetts.

This cause came on to be heard on the transcript of the record from the Supreme Judicial Court of the State of Massachusetts, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Judicial Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Peckham.

145. The City of Worcester, Plff in Error, vs. The Worcester Consolidated Street Railway Company. In Error to the Supreme Judicial Court of the State of Massachusetts.

This cause came on to be heard on the transcript of the record from the Supreme Judicial Court of the State of Massachusetts, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Judicial Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Peckham.

146. The City of Worcester and The Board of Aldermen of the City of Worcester, Plff in Error, vs. The Worcester Consolidated Street Railway Company. In Error to the Superior Court of the State of Massachusetts.

This cause came on to be heard on the transcript of the record from the Superior Court of the State of Massachusetts, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Superior Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Peckham.

147. The City of Worcester, Plff in Error, vs. The Worcester Consolidated Street Railway Company. In Error to the Superior Court of the State of Massachusetts.

This cause came on to be heard on the transcript of the record from the Superior Court of the State of Massachusetts, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Superior Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Peckham.

148. The City of Worcester and The Board of Aldermen of the City of Worcester, Plff in Error, vs. The Worcester Consolidated Street Railway Company. In Error to the Superior Court of the State of Massachusetts.

This cause came on to be heard on the transcript of the record from the Superior Court of the State of Massachusetts, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Superior Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Peckham.

136. The United States, Appellant, vs. Albert C. Engard. } Appeal from the Court of Claims.

This cause came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause be, and the same is hereby affirmed.

Per Mr. Justice White.

232. The Western Die and Timber Company, Appellant, vs. Ben A. Brown, Trustee of the estate of S. F. Harrison, a bankrupt. } Appeal from the United States Circuit Court of Appeals for the Eighth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals and the decree of the District Court of the United States for the Eastern District of Arkansas in this cause be, and the same are hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said

of claim, rejecting the alleged set off, and for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice White.

No. James C. Corry, Plff in Error, v. The Mayor and City Council of Baltimore et al. In Error to the Court of Appeals of the State of Maryland.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the State of Maryland, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Appeals in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice White.

No. 206. William K. Vanderbilt et al., Executors &c., v. Ferdinand Eidman, as United States Collector of Internal Revenue. On a certificate from the United States Circuit Court of Appeals for the Second Circuit.

This cause came on to be heard on a certificate from the United States Circuit Court of Appeals for the Second Circuit, and was argued by Counsel. On consideration whereof, It is the opinion of this Court that the third question certified should,

here ordered by this Court that it be so certified to the said United States Circuit Court of Appeals.

Per Mr. Justice White.

119. Isaac N. E. Allen and Alexander S. Bacon, Plffs in Error, vs. The Allegheny Company. In Error to the Supreme Court of the State of New Jersey.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of New Jersey, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Justice Brown.

13. Edmund J. Smiley vs. The State of Kansas. Plff in Error In Error to the Supreme Court of the State of Kansas.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Kansas, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Brown.

70. Henning Jacobson, Plff in Error, vs. The Commonwealth of Massachusetts. In Error to the Superior Court of the State of Massachusetts.

This Cause came on to be heard on the transcript of the record from the Superior Court of the State of Massachusetts, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Superior Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Harlan.

Dissenting:
Mr. Justice Brewer and
Mr. Justice Peckham.

129. Sallie J. McDaniel, Nannie A. Hoskall, and Mary E. Jackson, Appellants, vs. George M. Traylor, John F. Stratton, John F. Smith et al. Appeal from the Circuit Court of the United States for the Eastern District of Arkansas.

This Cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Arkansas, and was argued by Counsel. On Consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same

is hereby, remanded to the said Circuit Court with directions to set aside the order dismissing the suit for want of jurisdiction, to overrule the demurrer and for such further proceedings as may be consistent with the opinion of this Court and with law.

Per Mr. Justice Harlan.

419. The Territory of New Mexico ex rel. Caledonian Coal Company, Appellant, vs. Benjamin S. Baker, Associate Justice of the Supreme Court of the Territory of New Mexico &c. — On consideration of the suggestion and motion filed and submitted herein on January 27th, 1905,

It is now here ordered by the Court that Ira A. Abbott, the successor of Benjamin S. Baker as Associate Justice of the Supreme Court of the Territory of New Mexico &c., be, and he is hereby, made the party appellee in this cause.

Per Mr. Justice Harlan.

419. The Territory of New Mexico ex rel. Caledonian Coal Company, Appellant, vs. Ira A. Abbott, Associate Justice of the Supreme Court of the Territory of New Mexico &c. — Appeal from the Supreme Court of the Territory of New Mexico.

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory

consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Harlan.

The Chief Justice announced that the Court would not sit on Wednesday the 22d instant.

411. The Hamburg American Steamship Company, Aff'in Error, v. Minnie Grube, as Administratrix of John Grube, deceased. In Error to the Supreme Court of the State of New York.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of New York, and on motions to dismiss or affirm which were argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Fuller.

The Northern Pacific Railway Company, Plff in Error, vs. William S. Ely, Marvin Arnold, Julia Arnold et al.) In Error to the Supreme Court of the State of Washington.

102.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Washington, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Chief Justice Fuller.

Dissenting:
Mr. Justice Harlan.

The Northern Pacific Railway Company, Plff in Error, vs. William S. Ely, Marvin Arnold, Julia Arnold et al.) In Error to the Supreme Court of the State of Washington.

88.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Washington, and was argued by counsel. On consideration whereof, It is now here order-

of error in this cause be, and the same is hereby, dismissed with costs.

(Per Mr. Chief Justice Fuller.)

118. Northern Pacific Railway Company, Plff in Error, vs. August Hasse and ___ Hasse, his wife. In Error to the Supreme Court of the State of Washington.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Washington, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court in the case of Northern Pacific Railway Company v. Ely et al., No. 102, October Term 1904.

(Per Mr. Chief Justice Fuller.)

Dissenting: Mr. Justice Harlan.

201 of Oct. T. 1903. Richard N. Field, Appellant, vs. The Barber Asphalt Paving Co.

202 of Oct. T. 1903. The Barber Asphalt Paving Co., Appellant, vs. Richard N. Field.

On consideration of the motion to recall the mandate herein and for a retaxation of costs, It is now

Court that said motion be, and the same is hereby denied.

(Per Mr. Chief Justice Fuller.)

467. William E. Brown, Petitioner, v. The First National Bank of Newton, Kansas. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel in support of the same, &c. it is now here ordered by the Court that said petition be, and the same is hereby, denied.

(Per Mr. Chief Justice Fuller.)

502. J. B. Kleinert Rubber Company and Reddin W. Carramore, Petitioners, v. Albert Stein and Ernest Stein, trading as A. Stein & Co. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

On consideration of the petition for a writ of certiorari, herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

(Per Mr. Chief Justice Fuller.)

American Alkali Company, by Arthur K. Brown, surviving Receiver,
vs. Petitioner,
507. Pedro G. Salom,

On petition for writ of Certiorari to the United States Circuit Court of Appeals for the Third Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby denied.

Per Mr. Chief Justice Fuller.

J. Campbell Thompson,
vs. Petitioner,
518. Augustus N. Skillin, Trustee.

On petition for writs of certiorari or mandamus to the United States Circuit Court of Appeals for the Second Circuit, or for a writ of prohibition.

On consideration of the petition for writs of certiorari or mandamus herein to the United States Circuit Court of Appeals for the Second Circuit, or for a writ of prohibition, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby denied.

Per Mr. Chief Justice Fuller.

388. Emma Thomas, a feme sole, John Thomas, Andrew J. Thomas, Jr., et al., Plffs in Error, vs. Joseph P. Blair and Ernest B. Knittel Smith, Parliamentary Executors of Alexander C. Hutchinson, deceased, et al. In Error to the Supreme Court of the State of Louisiana.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Louisiana, and on motions to dismiss or affirm which were argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

(per Mr. Chief Justice Fuller.)

509. The United States, Appellant, vs. Stephen C. Miles. This cause was submitted to the consideration of the Court, pursuant to the 20th rule, on the record and printed arguments by Mr. Assistant Attorney General Pradt and Mr. John Q. Thompson, of Counsel for the appellant, and Mr. George A. King and Mr. William B. King, of Counsel for the appellee.

527. Marcellus E. Thornton et al., Petitioners, vs. The Board of Mayor and Aldermen of the City of Natchez et al.

The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Wade R. Young, in support of the same, and Mr. E. J. Bowers and Mr. Marcellus Green, in opposition thereto.

310. James Gardner, Plff in Error, vs. The People of the State of Michigan.

The motion to advance this cause was submitted to the consideration of the Court by Mr. John B. Corliss and Mr. Timothy E. Tarsney, in support of the same, and Mr. Fred A. Baker, in opposition thereto.

307. Joshua Roberts Mead et al., Plffs in Error, vs. The City of Portland et al.

Mr. Charles W. Fulton, in behalf of counsel, submitted to the consideration of the Court a motion to advance this cause.

495. The Merchants & Miners Transportation Co., owners &c., et al., Petitioners, vs. The Steamship "Thornhill" &c.

The petition for a writ of certiorari herein was submitted to the consideration of the Court on

510.

458.

525.

13.

printed arguments by Mr. Robert N. Smith, in sup-
ort of the same, and Mr. J. Parker Kirlin, in oppo-
ition thereto.

Thomas Dennison,
vs. Plff in Error,
George M. Christian.

On motion of Mr. E. E. Thomas, of counsel for the defendant in error, leave is hereby granted the Clerk to issue the mandate in this cause.

The Ludington Novelty Co.,
vs. Petitioner,
Charles N. Leonard et al.

The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. George A. Prevost and Mr. Fred L. Chappell, in support of the same, and Mr. Edward Taggart and Mr. Arthur C. Denison, in opposition thereto.

James Talcott et al.,
vs. Petitioners,
Henry Friend et al.

The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Horace Kent Tenney, in support of the same, and Mr. Jacob Newman, Mr. S. O. Levinson and Mr. Benjamin V. Becker, in opposition thereto.

Florida McGuire et al.,
vs. Petitioners,
William A. Blount et al.

Mr. Benjamin Micou, of counsel for the petitioners,

sideration of the Court a motion to fix a day for the oral argument of this cause.)

460. Hiram Remington, Plff in Error, vs. Central Pacific Railroad Co. The motion to advance this cause under the 3rd Rule was submitted to the consideration of the Court by Mr. J. G. Flanders, in support of the same, and Mr. Maxwell Evarts, in opposition thereto.

532. Edward B. Whitney, Trustee, Appellant, vs. Emma B. Dresser. Mr. George A. Gilman, of counsel for the appellant, submitted to the consideration of the Court a motion to advance this cause.

312. Edward D. Johnson et al., Appellants, vs. Elizabeth Thomas. The motion to dismiss in this cause was submitted to the consideration of the Court on printed arguments by Mr. William R. Andrews and Mr. D. W. Baker, in support of the same, and Mr. S. Herbert Dicey, in opposition thereto.

187. Max Schubach, Plff in Error, vs. Warwick Hough, Judge of the Circuit Court of the City of St. Louis, et al. In Error to the Supreme Court of the State of Missouri.

Happearing to the Court that an authority of counsel,

252.

308.

for the plaintiff in error to dismiss the writ of error in this cause has been filed, Therefore, in pursuance of said authority, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Fuller.

Richard Dillon, Plff in Error, vs. Frank Mares. In Error to the Supreme Court of the State of Montana.

appearing to the Court that an authority of attorney for the plaintiff in error to dismiss the writ of error in this cause has been filed, Therefore, in pursuance of said authority, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Fuller.

Ben A. Benson, Appellant, vs. William Mendel, United States Marshal &c. The argument of this cause was commenced by Mr. Frank N. Platt, of Counsel for the appellant, and continued by Mr. Francis J. Kelly, of Counsel for the appellee, and Mr. J. C. Crump of Counsel for the appellant.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Tuesday, February 21st, 1905.

136.

Pursuant to adjournment the Court met to-day at the Capitol.

Present.

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

308.

On motion first made to the Court in this behalf by Mr. John S. Little it is ordered that Joe D. Robinson, Esquire, of Lonoke, State of Arkansas, be admitted to to practice as an attorney and counsellor of this Court and he was sworn accordingly.

406.

On motion first made to the Court in this behalf by Mr. R. M. Coerdell it is ordered that William S. Cowherd, Esquire, of Kansas City, State of Missouri, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

410.

On motion first made to the Court in this behalf by Mr. C. C. Cole it is ordered that Edward S. Moore

Esquire, of the District of Columbia, was admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

The United States, Appellant,
vs.
Albert C. Engard.

On motion of Mr. George A. King, of counsel for the appellee, leave is hereby granted the Clerk to issue the mandate in this cause.

John A. Benson, Appellant,
vs.
William Henkel, U.S. Marshal &c.

The argument of this cause was concluded by Mr. J. C. Campbell, of counsel for the appellant.

Frederick A. Hyde, Appellant,
vs.
John N. Shine, U.S. Marshal &c.
Henry P. Dimond, Appellant,
vs.
John N. Shine, U.S. Marshal &c.

The argument of these cases was commenced by Mr. C. C. Cole, of counsel for Hyde, and continued by Mr. Frank Heney, of counsel for the appellees, Mr. Frank J. Ratt, of counsel for Dimond, and Mr. Solicitor General Hoyt, of counsel for the appellees.

Proclamation being made the Court is adjourned

Thursday, February 23d, 1905.

Pursuant to adjournment the Court met today at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Charles N. Robbit is ordered that Clarke C. Fitts, Esquire, of Brattleboro, State of Vermont, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis Burton Harrison it is ordered that Townsend Scudder, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Frederick A. Hyde,
406. vs. Appellant,
John N. Shine, U.S. Marshal &c.
Henry P. Dimond,
410. vs. Appellant,
John N. Shine, U.S. Marshal &c.

The argument of these cases was continued by Mr. Solicitor General Hoyt, of counsel for the appellees, and concluded by Mr. Philip B. Hornblower, of counsel for Hyde. Leave was granted counsel to file additional briefs within three days.

George W. Beavers,
354. vs. Appellant,
Charles J. Haubert, U.S. Marshal, et al.
George W. Beavers,
355 vs. Appellant,
Charles J. Haubert, U.S. Marshal.

These cases were argued by Mr. W. M. Seabury, of counsel for the appellant, and Mr. Assistant Attorney General Purdy, of counsel for the appellees.

Joseph Lochner,
292. vs. Plff in Error,
The People of the State of New York.

On motion of Mr. Frank Harvey Field, of counsel for the plaintiff in error, leave is hereby granted to Mr. Henry Weismann to argue this cause orally on behalf of the plaintiff in error.

292. Joseph Lochner, Plff in Error,
vs.
The People of the State of New York.

The argument of this cause was commenced by Mr. Frank Harvey Field, of counsel for the plaintiff in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.
John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Charles A. Douglass it is ordered that Abraham J. Elkus, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Shiras, 3d, it is ordered that Elbert N. Hubbard, Esquire, of Sioux City, State of Iowa, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by

Bruce Scott, Esquire, of Aurora, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

199. Joseph Lochner, Plff in Error, vs. The People of the State of New York.

The argument of this cause was continued by Mr. Frank Harvey Field, and Mr. Henry Weismann by special leave, of counsel for the plaintiff in error, and Mr. Julius M. Mayer, of counsel for the defendant in error, and concluded by Mr. Frank Harvey Field, of counsel for the plaintiff in error.

99. Henry Muhleker, Plff in Error, vs. The New York & Harlem Railroad Co., et al.

The reargument of this cause was commenced, by Mr. Elihu Root, of counsel for the plaintiff in error.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday, February 27th, 1905.

Pursuant to adjournment the Court met to-day at the Capitol,

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices

John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. P. C. Knox it is ordered that George C. Wilson, Charles G. McIlvain, and Henry A. Davis, Esquires, of Pittsburgh, State of Pennsylvania, be admitted to practice as attorneys and Counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. P. M. Patterson it is ordered that Charles E. Southard, Esquire, of Greeley, State of Colorado, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. R. Serven it is ordered that George E. Hartman Esquire, of Waterloo, State of New York, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fred Beall it is ordered that Charles L. Dimdey, Esquire, of Omaha, State of Nebraska, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly. 143.

On motion first made to the Court in this behalf by Mr. S. T. Bledsoe it is ordered that B. F. Burwell, Esquire, of Oklahoma City, Territory of Oklahoma, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Henry Dennis it is ordered that William A. Sholes, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly. 413.

On motion first made to the Court in this behalf by Mr. Frederick A. Nash it is ordered that Herbert Parker, Esquire, of Lancaster, State of Massachu-

etts, be admitted to practice as an attorney and
ounsellor of this Court and he was sworn accord-
ngly.

On motion first made to the Court in this behalf,
by Mr. A. B. Browne it is ordered that Julius
W. Dyrenforth, Esquire, of Chicago, State of Illi-
ois, be admitted to practice as an attorney and
ounsellor of this Court and he was sworn ac-
ordingly.

The District of Columbia, Appellant, vs. Elias E. Barnes. Appeal from the Court of Claims.

This cause came on to be heard on the transcript
f the record from the Court of Claims, and was
rgued by Counsel. On consideration whereof,
t is now here ordered and adjudged by this
ourt that the judgment of the said Court of
laims in this cause be, and the same is here-
y, affirmed.

Per Mr. Justice Day.

The United States, Petitioners, vs. Morris Whitridge and Richard J. White, trading as Whitridge, White & Company. On writ of Certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals and the decree of the Circuit Court of the United States for the District of Maryland in this cause be, and the same are hereby, reversed; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the District of Maryland for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Holmes.

37. The National Cotton Oil Company et al. vs. The State of Texas. Pffs in Error, In Error to the Court of Civil Appeals in and for the Third Supreme Judicial District of the State of Texas.

This cause came on to be heard on the transcript of the record from the Court of Civil Appeals in and for the Third Supreme Judicial District of the State of Texas, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Civil Appeals in this cause be, and the same is hereby, affirmed with Costs.

Per Mr. Justice McKenna.

38. The Southern Cotton Oil Company et al, Aff's in Error, vs. The State of Texas. In Error to the Court of Civil Appeals in and for the Third Supreme Judicial District of the State of Texas.

This cause came on to be heard on the transcript of the record from the Court of Civil Appeals in and for the Third Supreme Judicial District of the State of Texas, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged, by this Court that the judgment of the said Court of Civil Appeals in this cause be, and the same is, hereby, affirmed with costs.

Per Mr. Justice McKenna.

144. The San Francisco National Bank, Appellant, vs. Washington Dodge, as Assessor of the City and County of San Francisco. Appeal from the United States Circuit Court of Appeals for the Ninth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals and the decree of the Circuit Court of the United States for the Northern District of Cali-

reversed with costs; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the Northern District of California for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice White.

Dissenting:
Mr. Justice Brewer,
Mr. Chief Justice Fuller,
Mr. Justice Brown and
Mr. Justice Peckham.

152. Frank E. Kehrer vs. Andrew P. Stewart. In Error to the Supreme Court of the State of Georgia.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Georgia, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Brown.

312. Edward D. Johnson et al., Appellants, vs. Elizabeth Thomas. Appeal from the Court of Appeals of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the District

of Columbia, and on a motion to dismiss which, was argued by Counsel. On consideration whereof It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is, hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

307. Joshua Roberts Mead et al., Pffs in Error, vs. The City of Portland et al. On consideration of the motion to advance this cause, It is now here ordered by the Court that said motion be, and the same is hereby denied.

Per Mr. Chief Justice Fuller

320. James Gardner, Pff in Error, vs. The People of the State of Michigan. On consideration of the motion to advance this cause, It is now here ordered by the Court that said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller

532. Edward B. Whitney, Trustee &c, Appellant, vs. Emma B. Dresser. On consideration of the motion to advance this cause It is now here ordered by the Court that said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller

458. The Ludington Novelty Company, Petitioners, v. Charles N. Leonard et al. On petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

465. The Merchants & Miners Transportation Company, Owner &c., et al, Petitioners, v. The Steamship "Thornhill," John James Reed, Claimant. On petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

525. James Talcott et al., Petitioners, vs. Henry Friend et al. On petition for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby denied.

Per Mr. Chief Justice Fuller.

527. Marcellus E. Thornton et al., Petitioners, vs. The Board of Mayor and Aldermen of the City of Natchez et al. On petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit and of the argument of counsel thereupon had as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

460. Hiram Remington, Plff in Error, vs. Central Pacific Railroad Company. On consideration of the motion to advance this cause under the 33d Rule, It is now here ordered by the Court that said motion be, and the same is hereby, granted and the cause will be taken as submitted on the briefs already filed or which may be filed within one week. It is further ordered that the motion for leave to argue the cause orally be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

Order.

The Reporter having represented that, owing to the number of decisions at the present term, it would be impracticable to put the reports in one volume. It is, therefore, now here ordered that he publish an additional volume in this year, pursuant to Section 681 of the Revised Statutes.

Per Mr. Chief Justice Fuller.

259. George A. Bartlett, Appellant, vs. The United States. This cause was submitted to the consideration of the Court, pursuant to the 50th rule, on the record and printed arguments by Mr. J. M. Vale, of counsel for the appellant, and Mr. Assistant Attorney General Pradt and Mr. Fred

eb. Faust, of counsel for the Appellee.)

The United States
vs.
Ju Toy.

Mr. Solicitor General, Hoyt submitted to the consideration of the Court a motion to advance this cause.)

George E. Zartman, Trustee &c., Petitioner,
vs.
The First National Bank of Waterloo, New York.

The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. George E. Zartman, in support of the same, and Mr. H. A. Sholes, in opposition thereto.

The Rembert Roller Compress Company, Petitioner,
vs.
The American Cotton Co., et al.

The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. Walter Gresham, in support of the same.

Fernand Bonin et al., Plffs in Error
vs.
The Gulf Company.

The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. Charles H. Clay-

298. Harold Petri et al., Plffs in Error, v. The F. E. Creelman Lumber Company et al.

The motion to dismiss in this cause was submitted to the consideration of the Court on the record and printed arguments by Mr. David S. Lansden and Mr. John S. Lansden, in support of the same, and Mr. Consider H. Willett, in opposition thereto.

494. Chicago, Burlington & Quincy Railway Company, Plff in Error, v. The People of the State of Illinois ex rel. L. O. Grimwood et al.

The motions to dismiss or affirm in this cause were submitted to the consideration of the Court on printed arguments by Mr. John K. Newhall, in support of the same, and Mr. A. J. Hopkins and Mr. Robert Bruce Scott, in opposition thereto.

99. Henry Muhleder, Plff in Error, v. The New York & Harlem Railroad Co., et al.

The reargument of this cause was continued by Mr. Elihu Root, of counsel for the plaintiff in error, and Mr. Ira A. Place, of counsel for the defendants in error, and concluded by Mr. Elihu Root, of counsel for the plaintiff in error.

Ex parte In the matter of
The Commonwealth of Massachusetts, Petitioner.
(5, Original.)

Petitioner.

The argument of
this cause was
commenced by Mr.
Frederick H. Rush
of Counsel for the

Proclamation being made the Court is adjourned
until tomorrow at twelve o'clock.

Tuesday, February 28th, 1905.

Pursuant to adjournment the Court met today at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Charles A. Greenwood it is ordered that Amos R. Webber, Esquire, of Elyria, State of Ohio, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William B. Lamar it is ordered that Frank Clark, Esquire, of Lake City, State of Florida, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Ex parte In the matter of The Commonwealth of Massachusetts, Petitioner. — The argument of this cause was continued by Mr. Frederick A. Nash, of counsel for the petitioner, and Mr. J. Spalding Flannery and Mr. Frederic D. McKenney, of counsel for the respondents, and concluded by Mr. Herbert Parker, of counsel for the petitioner.

15, Original.

The U.S. ex rel. Martin A. Knapp et al., Interstate Commerce Commissioners, Pl'ffs in Error, vs. The Lake Shore & Michigan Southern Railway Co. — The argument of this cause was commenced by Mr. L. A. Shaver, of counsel for the plaintiffs in error, continued by Mr. George C. Greene, of counsel for the defendant in error, and concluded by Mr. Assistant Attorney General McReynolds, of counsel for the plaintiffs in error.

251.

The United States, Petitioner, vs. George E. Cadow et al — The argument of this cause was commenced by Mr. Assistant Attorney General McReynolds, of counsel for the petitioner, and continued by Mr. H. Prescott Gatley, of counsel for the respondents.

438.

Proclamation being made the Court is adjourned

Wednesday, March 1st, 1905.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White, Associate
Rufus W. Peckham, Justices.
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. R. S. Lovett it is ordered that John M. Freeman, Esquire, of Pittsburgh, State of Pennsylvania, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. M. A. Smith it is ordered that Joseph L. B. Alexander, Esquire, of Phoenix, Territory of Arizona, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

1138. The United States, Petitioners, vs. George E. Loudon et al. Respondents. The argument of this cause was concluded by Mr. N. Peseott Gatley, of counsel for the respondents.

512. Edward H. Harriman et al., Petitioners. vs. Northern Securities Company. Mr. James Hamilton Lewis submitted to the consideration of the Court a motion for leave to file a printed brief herein on behalf of The Continental Securities Company.

On motion of Mr. William D. Guthrie, of counsel for the petitioners, It is ordered that counsel on each side be allowed three hours for the argument of this cause.

512. Edward H. Harriman et al., Petitioners, vs. Northern Securities Company. The argument of this cause was commenced by Mr. William D. Guthrie, of counsel for the petitioners, and continued by Mr. Elihu Root, of counsel for the respondent.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Thursday, March 12, 1903.

Pursuant to adjournment the Court met today at the Capitol.

Present.

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.
John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. John G. Thompson it is ordered that William M. Nelson, Esquire, of Danville, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. E. Littlefield it is ordered that Alexander N. Martin, Esquire, of Cleveland, State of Ohio, and Henry B. Graves, Esquire, of Detroit, State of Michigan, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter Steenerson it is ordered that Robert J. Montague, Esquire, of Crookston, State of Minnesota, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. F. H. Cushman it is ordered that Samuel R. Stern, Esquire, of Spokane, State of Washington, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

63. Charles A. Utermehle, Plff in Error, vs. Mamie E. Norment et al. On motion of Mr. Charles L. Swan in behalf of counsel for the defendants in error, leave is hereby granted the Clerk to issue the mandate in this cause.

512. Edward H. Harriman et al, Petitioners, vs. Northern Securities Company. The argument of this cause was continued by Mr. Elihu Root and Mr. John G. Johnson, of counsel for the respondent, and concluded by Mr. D. T. Watson, of counsel, for the petitioners.

92. Joshua Bishop, Appellant, vs. The United States. The argument of this cause was commenced by Mr. Irwin W. Schultz, of counsel for the appellant.

Proclamation being made the Court adjourned

Monday, March 2d, 1903.

Pursuant to adjournment the Court met today at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. John C. Black it is ordered that Irving D. Black, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles A. Grosvenor it is ordered that M. L. Snyder, Esquire, of Wooster, State of Ohio, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. E. Littlefield it is ordered that John B. Kehoe, Esquire, of Portland, State of Maine, and James M. Rollins, Esquire, of St. Louis, State of Missouri, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Hoyt it is ordered that Max L. Mitchell, Esquire, of Williamsport, State of Pennsylvania, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alonzo A. Stewart it is ordered that Theodore Francis Green, Esquire, of Providence, State of Rhode Island, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James A. Davidson it is ordered that Edwin B. Simonds, Esquire, of Medina, State of New York, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Monday, March 3d, 1905. Continued.

1143. The District of Columbia, Appellant, v. Elias E. Barnes. On motion of Mr. John C. Fay, of counsel for the appellee, leave is hereby granted the Clerk to issue the mandate in this cause.

1137. Henry P. McClure and Elizabeth A. McClure, Plffs in Error, v. United States Mortgage & Trust Company. In Error to the Supreme Court of the State of Oregon.

This cause having been called to the attention of the Court by Mr. John A. Mitchell, of counsel for the plaintiffs in error, and he having moved the Court to dismiss the writ of error in this cause, Therefore, in pursuance of said motion, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Fuller.

1137. Henry P. McClure et al, Plffs in Error, v. United States Mortgage & Trust Company. On motion of Mr. John A. Mitchell, of counsel for the plaintiffs in error, leave is hereby granted the Clerk to issue the mandate in this cause.

142. Joshua Bishop, Appellant, vs. The United States. The argument of this cause was concluded by Mr. Irwin W. Schultz, of counsel for the appellant, and the cause was submitted on a printed argument by Mr. Assistant Attorney General Pradt and Mr. Felix Brannigan, of counsel for the appellee.

141. Alfred W. Carter, guardian &c., Plff in Error, vs. George D. Gean, Second Judge &c. et al. This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. J. J. Darlington and Mr. William F. Mattingly, of counsel for the plaintiff in error, and by Mr. John S. Low, next friend &c., one of the defendants in error, in propria persona.

146. Wagner, Barnes & Company, Limited, Appellant, vs. The United States. On motion of Mr. Benjamin Mieon, leave is hereby granted him to file a brief herein on behalf of certain interested parties.

149. Frederic W. Lincoln et al, Plffs in Error, vs. The United States, Wagner, Barnes & Company, Limited. The argument of these cases was commenced by

of Counsel for the plaintiffs in error and appellant, and continued by Mr. Solicitor General Hoyt, of Counsel for the defendant in error and appellee, and Mr. Frederic R. Coudert of Counsel for the plaintiffs in error and appellant, and Concluded by Mr. Henry M. Ward, of Counsel for the plaintiffs error and appellant.

159. Abram P. Thompson, Plff in Error, v. Joseph J. Darden. The argument of this cause was commenced by Mr. Robert M. Hughes, of Counsel for the plaintiff in error, Continued by Mr. D. Tucker Brooke, of Counsel for the defendant in error, and Concluded by Mr. John W. Daniel, of Counsel for the defendant in error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Saturday, March 4th, 1905.

Pursuant to adjournment the Court met to day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes
William R. Day,
Associate Justices.
John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk

Proclamation being made the Court is opened

The Chief Justice announced that the Court would take a recess for the purpose of attending the inauguration of the President of the United States.

The oath of office was administered to the Honorable Theodore Roosevelt as President of the United States by the Chief Justice and the Court reconvened.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock

Monday, March 6th, 1905.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. A. B. Pugh it is ordered that S. Hamilton Graves, Esquire, of Roanoke, State of Virginia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank L. Campbell it is ordered that Alonzo Blair Irvine, Esquire, of Salt Lake City, State of Utah, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. T. Graff it is ordered that Alexander Flannigan, Esquire, of East St. Louis, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly

On motion first made to the Court in this behalf by Mr. Walter D. Davidge it is ordered that Lewis Ogden O'Brien, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Philip Mauro it is ordered that L. Harding Rogers, Jr., Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wayne MacVeagh it is ordered that E. M. Barber, Esquire, of Biloxi, State of Mississippi, and Joseph F. Cooper, Esquire, of Ft. Worth, State of Texas, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. A. Culberson it is ordered that Choice,

Lyod W. Ny. Pardue, Esquire, of Biloxi, State of Mississippi, be admitted to practice as attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. L. C. Payson it is ordered that William N. Brown, Esquire, of Boston, State of Massachusetts, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

141. Winfield S. Gregg, Petitioner, v. The Metropolitan Trust Company et al. } On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the Southern District of Ohio.

Per Mr. Justice Holmes.

Dissenting:
Mr. Justice McKenna,
Mr. Justice Harlan and
Mr. Justice White.

154. The City of Dawson, Appellant, vs. The Columbia Avenue Saving Fund, Safe Deposit, Title and Trust Company. Appeal from the Circuit Court of the United States for the Northern District of Georgia.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Georgia, and was argued by counsel. On consideration whereof, it is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to dismiss the bill.

Per Mr. Justice Harlan.

Dissenting:
Mr. Justice Brewer and
Mr. Justice McKenna.
Mr. Justice White not having been present at the argument took no part in this decision.

58. Adolphus F. McClaine, Plff in Error, vs. George C. Rankin, as Receiver of The First National Bank of South Bend, Washington. In Error to the United States Circuit Court of Appeals for the Ninth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of

counsel. On consideration whereof, It
is ordered and adjudged by this Court
the judgment of the said United States C
Court of Appeals and the judgment of
cuit Court of the United States for the Di
of Washington in this cause be, and the s
are hereby, reversed with costs; and t
cause be, and the same is hereby remo
to the ~~said~~ Circuit Court of the United States for the Western District of
to sustain the demurrer and enter judgm
for defendant.

Per Mr. Chief Justice Ful

Dissenting:
Mr. Justice White,
Mr. Justice Brown, and
Mr. Justice McKenna.

Monday, March 6th, 1905, Court

No. 5, Original.—October Term, 1904.

The State of Missouri, Complainant,
vs.
The State of Nebraska.
} In Equity. On Bill and Cross Bill.

This cause coming on for final decree, in pursuance of the opinion of this court filed herein on December 19, 1904, and the stipulation of the respective parties by their counsel filed herein on January 30, 1905, which said stipulation is in words and figures as follows, to wit:

"In the opinion of the court in the above-entitled cause, the order and finding of the court having been made as follows:

"It appears from the record that about the year 1895 the county surveyors of Nemaha County, Nebraska, and Atchison County, Missouri, made surveys of the abandoned bed of the Missouri River, ascertained the location of the original banks on either side, and to some extent marked the middle of the old channel. If the two States will agree upon these surveys and locations as correctly marking the original banks of the river and the middle of the old channel, the court will, by decree, give effect to that agreement; or, if either State desires a new survey, the court will order one to be made and will cause monuments to be placed so as to permanently mark the boundary lines between the two States. The disposition of the case by final decree is postponed for forty days, in order that the court may be advised as to the wishes of the parties in respect to these details."

"In pursuance whereof now come the parties hereto by their respective counsel and agree that the said surveys made by the county surveyors of Nemaha County, Nebraska, and Atchison County, Missouri, as reported by the Commissioners and set forth in the opinion of the court, constitute and be correct boundary lines between the said States, the same constituting the middle of the old channel of Missouri River as found by said court in its opinion.

"It is further agreed between the parties hereto that the monuments marking said boundary line established by the said county surveyors of said counties are not of a permanent character, and many of them have become destroyed or removed, and that in order to mark a permanent boundary line it is necessary and is deemed best that permanent monuments be erected at regular intervals on said line in such manner as will quiet all dispute in reference to said boundary.

"It is further agreed that said permanent monuments can be best established under the supervision of the Commissioners heretofore appointed by the court, to wit, Alfred Hazlett and John W. Halliburton, and it is therefore requested by the parties to this cause that the court, by a proper order, direct and require said Commissioners to establish or cause to be established under their direction such permanent monuments as may by

Monday, March 6th, 1905, Continued.

them be deemed necessary in the premises and in accordance with the order of the court heretofore made, and make a report to the court of their acts and doings therein. In the execution of their powers herein said Commissioners shall have authority to employ such surveyors and other assistants and procure such material as may be necessary in the establishment of the permanent monuments, marking said boundary line in accordance with the opinion of the court heretofore rendered and this agreement.

"It is further agreed that said Commissioners for their services herein shall receive such compensation as may be agreed upon by the respective parties, and if the parties are unable to agree, then such as may be fixed by the court after the services have been performed and due report thereon made.

"On account of the unfavorable condition of the weather during the winter months and of the character of the ground during the spring months, the parties hereto respectfully request the court that said Commissioners be granted until the first day of May, 1905, in which to make their report.

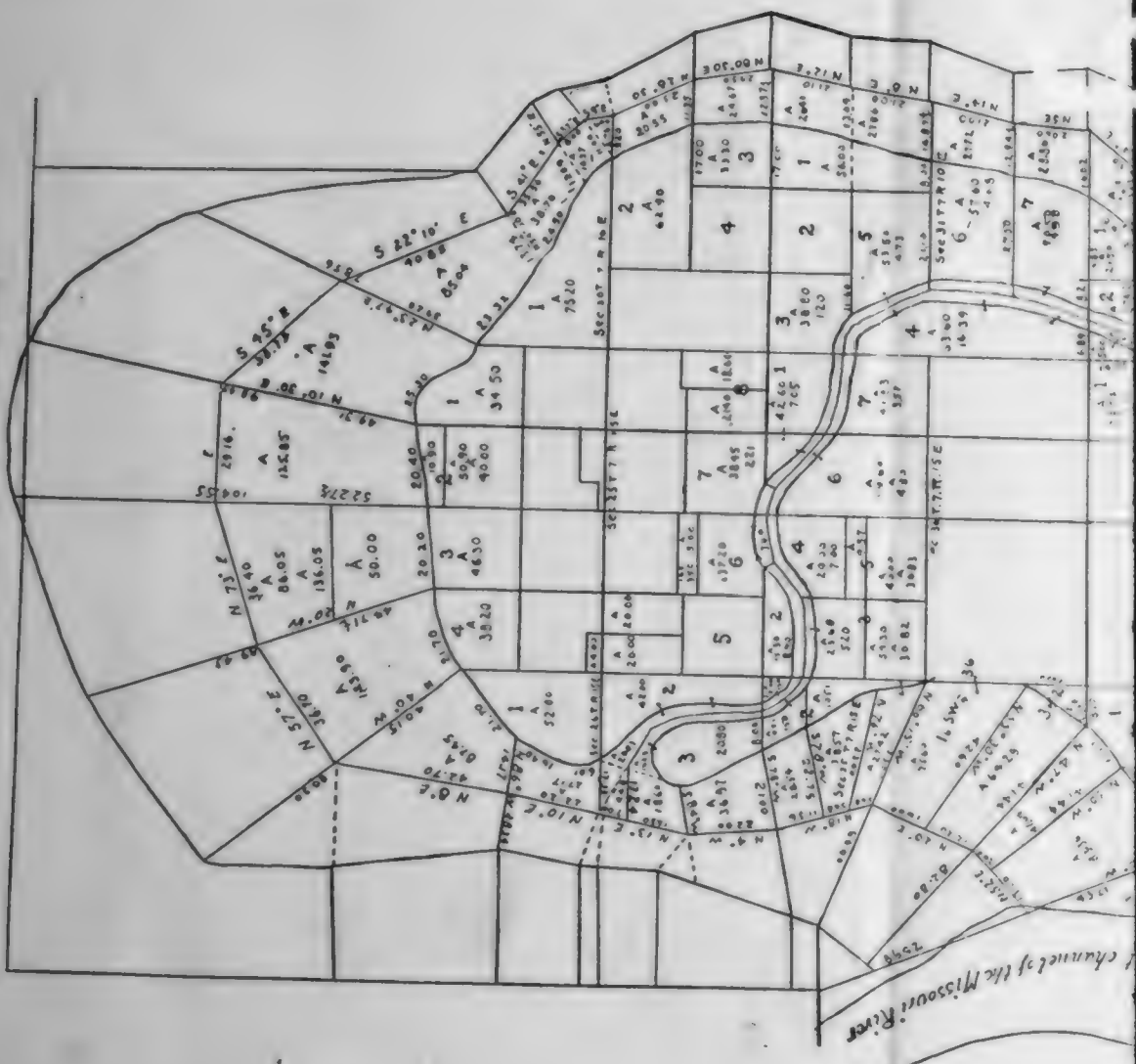
STATE OF MISSOURI, Complainant,
By EDWARD C. CROW,
Attorney General.
SAM B. JEFFRIES,
Assistant Attorney General.
STATE OF NEBRASKA, Defendant,
By F. N. PROUT, *Attorney General.*"

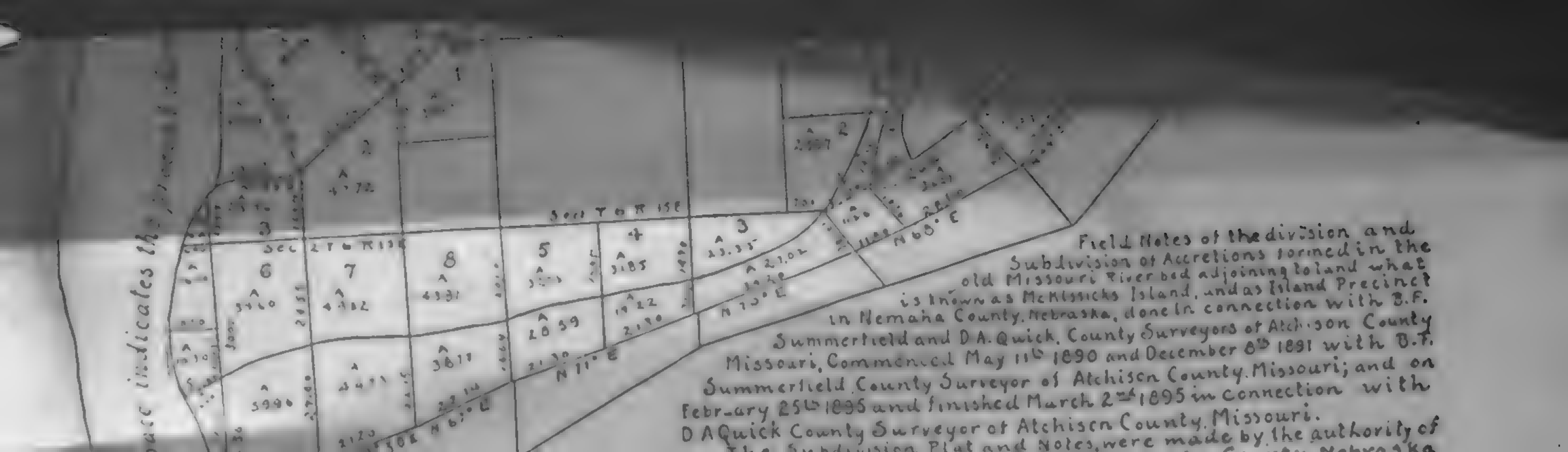
And on motion of Herbert S. Hadley, Attorney General of the State of Missouri, counsel for said complainant, that a decree be entered in this cause in accordance with said opinion and stipulation:

It is now here ordered, adjudged and decreed by this court that the middle of the channel of the Missouri River, according to its course as it was prior to the avulsion of July 5, 1867, is and shall be the true boundary line between Missouri and Nebraska, and that said boundary line is indicated upon and shown by the following plat:

MAP OF Mc KISSICKS ISLANDS AND ADJ

DEFENDANTS EXHIBIT D.




Sec 27 T 6 N R 15 E
1
2
3
4
5
6
7
8
S 60° E
N 11° E
N 73° E
N 68° E
N 6° E
S 50° E
2.5067
2.5031
4.72
4.3931
4.3682
4.4491
3.6179
2.0359
1.9122
2.1385
2.3.35
2.1.02
3.4160
3.5996
2.1.20
2.1.30
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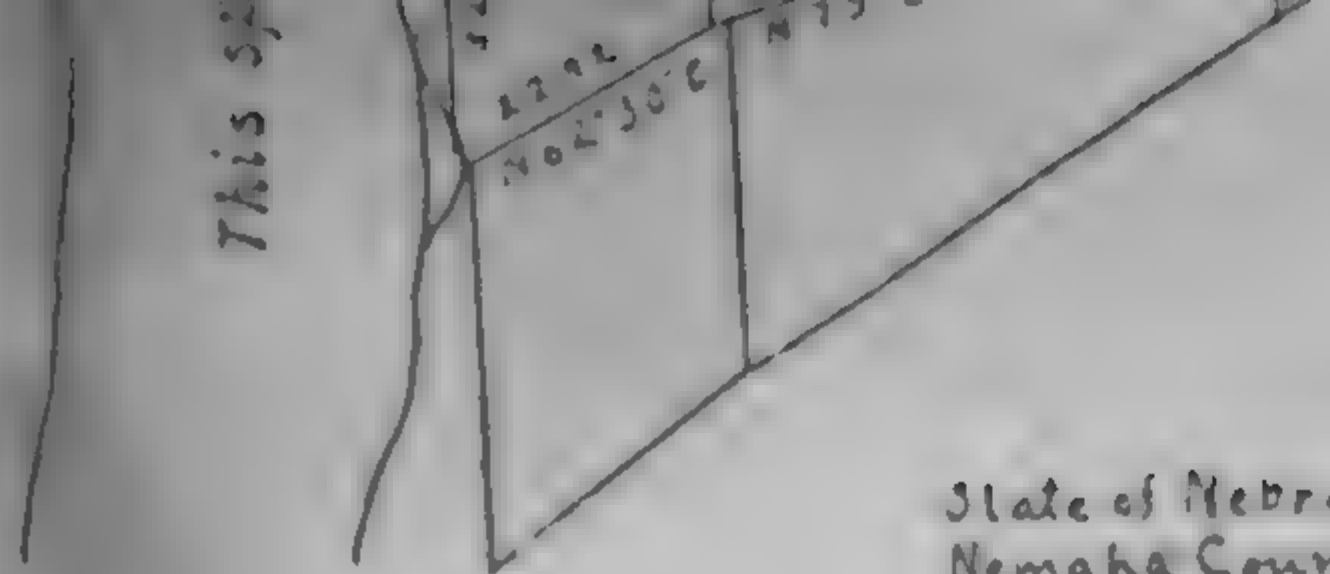
2.1.30



State of Nebraska
Nemaha County
Filed 10th day of
April 1895
J. M. Bowers
County Clerk

The Subdivision of the ... the Board of County Commissioners of Nemaha County, Nebraska and by the authority of Atchison County Missouri.

J. M. Hacker, County Surveyor
of Nemaha County Nebraska

State of Nebraska }
Nemaha County } ss

I, Charles R. Hacker do hereby certify that I am the duly elected qualified and acting county clerk of Nemaha county State of Nebraska and that the above and foregoing map is a full, true and correct copy of the original map prepared and filed by the County Surveyor of Nemaha County Nebraska in the office of the County Clerk of said County and State, as the same now appears among the files and records of my office and that I am as such County Clerk under the laws of the State of Nebraska the proper Custodian of said map.

Given under my hand and the seal said County this 7th day of October A.D. 1902 at Auburn Nebraska

Charles R. Hacker, County Clerk
Nemaha County, Nebraska.

And that said boundary line is more particularly shown and described by the following eleven sectional survey maps, with the field notes descriptive of each of said sectional maps and surveys:

Defendant's Exhibit "E."

FIELD NOTES.

No. of Survey ..... Date February 25th to March 29th 1895
Survey for Nemaha county Nebraska
At request of the Board of County Commissioners
Chainmen sworn W. T. Hacker and H. D. Hacker
Point established divis. of Accretions to Sec. 35, Twp. 7 N, Rng. 15 E, 6th P. M.

Commencing at the meander corner, on the Nebraska bank of the Old Missouri River bed where the Township line between Townships 6 and 7 North of Range 15 East of the 6th Principal Meridian in Nebraska intersects with the Old Missouri River bed and at a point 9.10 chaines West of the South East corner of Section 35 and South West corner of Section 36 in Township 7 North, of Range 15 East of the 6th Principal Meridian in Nebraska, and run thence N 47° W at 40.00 chaines set a random stake for half way and at 82.88 chaines came to a meander corner on the Missouri bank of the Old Missouri river bed. This line run in connection with D. A. Quick Surveyor of Atchison county Missouri. Correcting back we corrected the random stake set at 40.00 chaines to 41.44 chaines for the half way or dividing line between Missouri and Nebraska and set a Limestone 7x12x25 inches square. Marked M. and N. Whole distence across 82.88 chaines. Half the distence across 41.44 chaines.

And Commencing at the quarter section corner on the West line of Section 36 and East line of Section 35 in Township 7 North, of Range 15 East of the 6th Principal Meridian in Nebraska, it being on the Nebraska bank of the Old Missouri River bed and run thence N 67° W and at 32.52 chaines set a random stake for half way and at 66.00 chaines came out 88 links South of the corner on the Missouri bank of the Old Missouri River bed. This line was run in connection with D. A. Quick County Surveyor of Atchison county Missouri. Adjusting our bearing to N 66° 15' W we corrected back and corrected the random stake set at 32.52 chaines to 33.00 chaines 48 links west and 44 links North of the random stake and on a direct line, and we set a Limestone 8x11x44 inches square for the dividing line between Missouri and Nebraska marked M and N

Whole distence across 66.00 chaines.

Half the distence across 33.00 chaines.

SURVEYOR'S RECORD 224

No 1 PLAT.

Section 35 in. Township 7 North, Range 15 East, 6th. P.M. Nebr.

J. M. Hucker.
County Surveyor.

Monday, March 6th, 1905, Continued.

SURVEYOR'S RECORD.

FIELD NOTES.

No. of Survey ..... Date May 15th to 20th 1890
Survey for J. B. Shields
At request of J. B. Shields
Chainmen sworn Marton Lamb and W. Barrenger
Point established corners to Lots 1 & 2 &c Sec. 35, Twp. 7, Rng. 15 E, 6th P. M.

Commenced at the North East corner of section 35 T 7 N of R 15 E and run thence South and at 6.58 chaines came to North Bank of old River Shute the SE. cor. of Lot 1 in Sec. 35, and at 4.20 chaines on South bank of Old River Shoot at the NE cor. of Lot 2 in Sec. 35 and at 40.00 chaines set a stone 6x6x12 inches square for the quarter Sec. corner on the East line of Sec. 35, the SE. cor. of Lot 2 in Sec. 35. And at 80.00 chaines set a stone 6x10x16 inches square for South East corner of Sec. 35, T 7 R 15 E Nemaha County Nebraska. Then commencing at the North East corner of Sec 35, T 7, R 15 E. and running thence West 6.12 chaines to the East bank of old River Shute, the NW. cor. of Lot 1, in Sec. 35. Thence West 3.10 chaines to the West bank of old River Shute the NE. corner of Lot 2 in Sec. 35, thence West 8.00 chaines to the old bank of the Missouri River Set a Stone 6x8x10 inches square for the NW. cor. of Lot 2 in Sec. 35, and for the bank of the Old Missouri River in Nebraska.

Survey of the Accretion to Lot 2 in Sec. 35, T 7, R 15 E in Nebraska.

Commencing at a stone 6x8x10 inches square, set for the NW. cor. of Lot 2 in Sec 35, T 7, R 15 E. the Nebraska bank of the old Missouri River bed, and running thence S 78° 30′ W 42.00 chaines to the opposite bank of the old Missouri River bed in Missouri as designated by B. F. Rummerfield County Surveyor of Atchison County, Missouri. Then correcting and setting a stake 3 inches square at the half way point and for the NW. cor. of the Accretion to Lot 2 in Sec. 35, T 7, R 15 E in Nemaha Co. Neb. Said stake witnessed by a Cottonwood tree 9 inches in diameter beares N 49° 30′ W 24 links distant. And by a Cottonwood tree 11 inches in diameter beares N 19 E 32 links distant.

Then commencing at quarter section corner stone on the bank of the old Missouri River bead in Nebraska. Running thence N 67° W 65.05 chaines to the opposite bank of the old Missouri River bed on the Missouri State side of the old River bed. Then correcting and setting a stake & stone at 32.52½ chaines for the half way line and the South West corner of the Accretions to Lot 2 in Sec. 35 town. 7 Range 15 East in Nemaha County Nebraska.

SURVEYOR'S RECORD 128

No 2. PLAT.

Sec. 35, Township 7, Range 15 East 6th P.M.

J. M. Hacker,
County Surveyor.

Monday, March 6th, 1905, Continued.

SURVEYOR'S RECORD.

FIELD NOTES.

No. of Survey..... Date May 13th to 20th 1890
Survey for D. P. Holley and J. C. Roberts.
At request of D. P. Holley and J. C. Roberts.
Chainmen sworn Marton Lamb and W. Barrenger
Point established Lots 1, 2 & 3 &c. in Sec. 26, Twp. 7, Rng. 15 E, 6th P. M.

Commencing at the SE. cor. of Sec. 26 T 7 R 15 E in Nemaha Co. Neb. and running thence North, at 20.00 chaines set a stake for East line of Lot 2 in Sec. 26, at 40.00 chaines found quartersection corner post at SE. cor. Lot 1 & NE cor of Lot 2 set by the Government, at 60.00 chaines set stake for East line of Lot 1 and at 73.90 chaines set stake for NE. cor. of Lot 1 and at bank of Missouri River in Nebraska. And from this line as a base we run lines West to find the old Missouri River bank on the Nebraska side, By First Commencing at the stake set at the 60.00 chaines North of SE. cor. of Sec 26, Running thence West 16.50 chaines for bank of river setting a stake 3 inches square. Then commencing at the quarter section corner on the East line of Sec 26. and running thence West 21.45 chaines setting stake 3 inches square for SW. cor. of Lot 1 in Sec 26 and NW cor to Lot 2 in Sec 26, which contains by Government Survey 52.70 Acres.

Then commencing at the stake 20.00 chaines North of the SE. cor. of Sec. 26. and on the East line of Lot 2 in Sec 26, and running thence West at 7.24 chaines, came to East bank of the River Shute the West line of Lot 2, Sec. 26, then at 11.34 chaines came to the West bank of the River Shute the East line of Lot 3 in Sec 26. Thence at 26.84 chaines set a stake for River bank and for the West line of Lot 3 in Sec 26.

Then commencing at the SE. corner of Sec 26 T 7 R 15 E in Nebraska, Running thence West and at 6.12 ch. came to the East bank of the River Shute and the SW. cor. of Lot 2 in Sec. 26, Lot 2 contains 42.00 Acres and at 9.22 chaines came to West bank of the River Shute and the SE corner of Lot 3 in Sec. 26, and at 17.22 chaines set a stone 6x8x10 in. sqr. for SW. cor. of Lot 3 on Old River line in Sec. 26, T 7 R 15 E. Lot 3 contains 30.80 Acres per Government survey. Survey of Accretions in Sec. 26 T 4 R 15 E in old River bed dividing the Accretions between Lots 1, 2 and 3 in Sec 26, T 7 R 15 E and Dividing between Nebraska and Missouri, and between the parties above named. Then commencing at a stone 6x8x10 inches square set for meander line and at SE cor. of Accretions to Lot 3 in Sec 26 And running thence S 78° 30' West

42.00 chaines to the opposite Meander bank of Missouri River in Missouri as designated by B. F. Rummerfield County Surveyor of Atchison County Missouri. Then correcting back at 21.00 ch. set stake 3 inches sqr. for Division line and at the SW. cor. of Accretions to Lot 3 in Sec 26. The Stake Witnessed by a Cottonwood tree 9 inches in diameter beares N 49° 30′ W 24 lks distant and by a Cottonwood 11 inches in in diameter beares N 19° E. 32 lks. distant.

Then commencing at the stake for the West line of Lot 3 in Sec 26, for the old River bank Running thence S 84° W 24.49 chaines to the opposite bank of the old Missouri River in Missouri as designated by B. F Rummerfield County Surveyor of Atchison Co. Mo. Then at 12.24½ chaines set stake for division line on the West line of Lot 3 Sec 26, T 7 R 15 E between Mo. & Neb.

Then commencing at stake 3 inches square set for NW. cor. of Lot 2 and SW cor. of Lot 1 in Sec 26, and running thence N 87° W. 27.70 chaines to opposite Meander line of the Missouri River, in Missouri Then at 13.85 chaines half way set a stone 6x6x12 inches square for SW. cor. Accretions to Lot 1 and NW. cor. of Accretions to Lot 2 in Sec 26, T. 7, R 15 E in Nebraska

Then commencing at a stake 3 inches square set for the meander line of the old Missouri River on the West line of lot 1 in Sec 26. T 7. R 15 E. in Nebraska. Running thence N 81° W 28.34 chaines to the meander line on the Missouri side of the old Missouri River bead. Then setting a stake at 14.17 chaines for half way dividing line between Nebraska and Missouri.

Then commencing at a stake at the NE. corner of Lot 1 in Sec 26 T 7 R 15 E and at the intersection of the East line of Sec. 26 with the Missouri River in Nemaha County Nebraska. And running thence N 40° W 80.30 chaines to the meander line on the Atchison county Missouri side of the old Missouri River.

Then correcting and setting at 40.15 chaines the half way dividing point between Missouri and Nebraska a Limestone 3x12x18 inches square, for the NW. cor. of the Accretions in Missouri River belong g to Lot 1 in Sec 26 Nemaha Co. Neb. Witnessed by a cottonwood tree 5 inches in diameter beares East 6½ lks. distant. And by a White Willow tree 5 inches in diameter beares West 5° S 9½ links distant

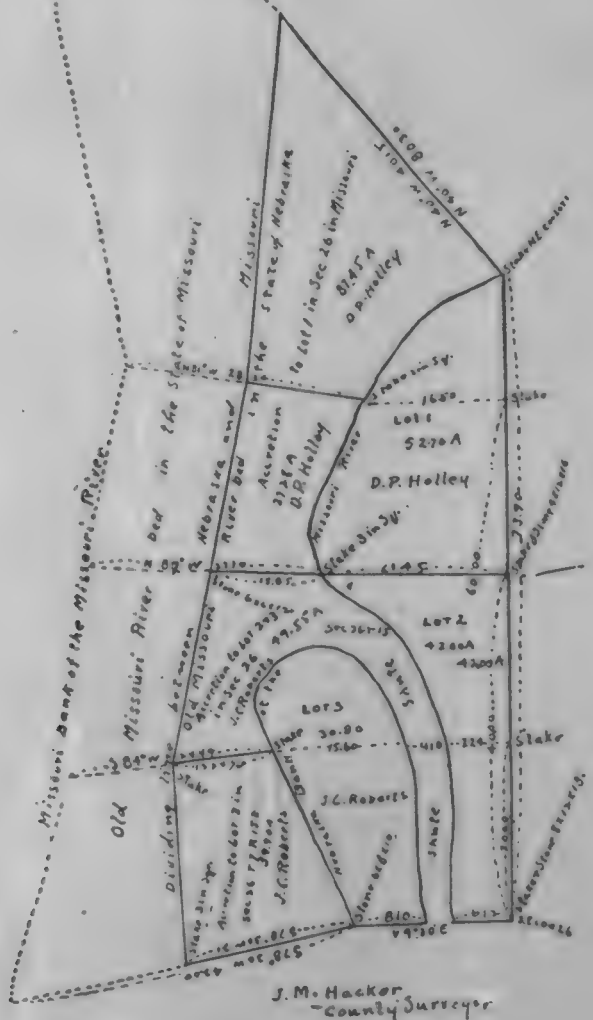
This survey made in connection with B. F. Rummerfield County Surveyor of Atchison county Missouri

Magnetic V 9° 30′ east.

SURVEYORS RECORD

No 3 PLAT.

Section 26 Township 7, Rang 15 East 6th P.M.



J. M. Hacker
County Surveyor

SURVEYOR'S RECORD.

FIELD NOTES.

No. of Survey ..... Date May 16th to 20th 1890
Survey for D. P. Holley and J. Henderson
At request of D. P. Holley and J. Henderson
Chainmen sworn Marton Lamb and W. Barrenger
Point established Accretions to Lots 3 & 4 Sec. 25, Twp. 7, Rng. 15 E, 6th P. M.

Commenced the survey of the Accreations to Lots 3 and 4 of Sec 25 Town 7 North of Range 15 East, by Commencing at the Meander corner, at intersection of the half section line, running North and South threw section Twenty-five Town seven Range Fifteen East, with the Missouri River and at the Northeast corner of Lot No 3, marked by a Bur Oak stake 4x4x36 inches square and by a peace of an iron bar drove in by the side of the stake.

Running thence North 102.88 chaines to the meander line on the opposite bank of the Missouri River as designated by B. F. Rummerfield County Surveyor of Atchison County Mo.

Then correcting back making corner on dividing line between Nebraska and Missouri at 51.44 chains at a stone set by the Atchison County Missouri Surveyor and Chainmen. And at 12.70 chaines north of the meander corner at the Northeast corner of Lot No 3 in Sec 25 set a stone for the NE. cor. of Twenty-eight acres off of the South end of the Acretians to Lot No 3, of Sec 25. Then commencing at the NW. cor. of Lot 3, Sec. 25, running thence N 20° W 89.43 chaines to meander line on opposite bank of the Missouri River in Atchison County Mo. as designated by the County Surveyor of Atchison County Missouri B. F. Rummerfield. Then correcting back and setting a limestone 8x9x14 inches square at 44.71½ ch for the NW. cor. of Acreations to Lot No. 3 in Sec. 25. T 7. R 15 East in Nebraska and on the dividing line between Nebraska and Missouri Said stone is Witnessed by a Willow tree 9 inches in diameter bears N 63° 30' W 54 lks distant And setting a stone 12.70 ch. North of NW. cor. Lot 3, S 25, for NW. cor. of 28.00 acres off of South end of Acreations in Missouri River to Lot No. 3, Sec 25, T 7 R 15 E.

Then commencing at the intersection of the West line of Section 25 Town 7 North of Range 15 E, with the Missouri River. in Nebraska, at the meander corner at the North West corner of Lot No 4 in Sec 25, running thence N 40° W 80.30 chaines to the meander line of the opposite bank of the Missouri River in Missouri as designated by the County Sur-

Monday, March 6th, 1905. Continued.

veyor of Atchison County Missouri B. F. Rummerfield. Then correcting back and at 40.15 chaines, the half way point, set a Limestone 3x12x18 inches square. Witnesses by a Cottonwood tree 5 inches in diameter, Beares East 6½ links distent. And also by a White Willow tree 5 inches in diameter Beares W 5° South 9½ links distent. This stone marks the North West corner of the Acretion in the Missouri River to Lot Number Four 4 in Section 25 Town 7 North of Range 15 East, in Nebraska. Nemaha County.

SURVEYOR'S RECORD

126

No 4 PLAT.

Section 25, Township 7, Range 15 East 6th P.M.

J.M. Hacker.
County Surveyor.

Monday, March 6th, 1905, Continued.

SURVEYOR'S RECORD.

FIELD NOTES.

No. of Survey ..... Date December 8th to 23d 1891
Survey for The Lombard Investment Co.
At request of J. H. Stewart 512 Exchange B'ld'g. Kansas City Mo.
Chainmen sworn Henry C. Taylor and Robert Taylor
Point established Accretions to Lots 1 & 2 Sec. 25, Twp. 7, Rng. 15 E 6th P. M.

Began the survey by commencing at the quartersection corner on the East line of section 25 Town 7 Range 15 East where we found the old government stake standing and for the purpose of preserving the corner we set a Limestone 4x9x16 inches square marked ¼, in the ground by the side of the old stake—Running from thence North to find the Meander corner at the NE. cor of Lot No 1 in Sec. 25 and at 20.00 chains found a stone heretofore set at the SE. cor. of Lot 1, and at 32.00 chaines set a random stake for the Meander corner on the Bank of the old Missouri River at the NE. cor. of Lot No 1

Then commencing at a stone set for the center of Sec 25, T 7 R 15 E, and at 20.00 cha. found a stake heretofore set and at 40.00 chaines found an iron bar heretofore set the NW. cor. of 40. acres off of the South end of Lot 2, in Sec. 25, and set a limestone 6x12x15 inches square in by the side of the Iron bar, and at 43.40 chaines found an oak post heretofore set for the meander Corner at the NE. cor. of Lot 3 in Sec 25-7-15 and by the side of the oak post we set a limestone 3x9x18 inches square for the NW. Meander cor. of Lot 2 in Sec. 25-7-15 E.—Witnessed by a Sycamore tree 12 inches in diameter beares S 75° 30′ W. 44 links distant And by a Sycamore tree ten inches in diameter. Bears S 35° E. 53 lks. distant. And also Witnessed by a Cottonwood tree 20 inches in diameter Beares N 31° 30′ W. 69 lks distant Then commencing at a stone heretofore set for the NE. cor. of 40 acres off of the South end of Lot 2 in S 25, and run thence North 7.50 chains and set a random stake for the NE. Meander cor. to lots 1 & 2 in Sec 25. Then after testing the Meander random stake set at the NE. corners of Lots 1 & 2 of Sec. 25-7-15 E. At the NE. Meander cor of Lot 1 we set a Blue Limestone 1½x12x12 inches square—Witnesses by a cottonwood tree 13 inches in diameter Beares N 63° W 16 lks distant, And by a Sycamore tree 9 inches in diameter, Beares N 61° 30′ E. 53 lks distent. And at the NE. Meander cor. of Lot 2 & NW. cor of Lot 1 we set a Blue Limestone 3x15x18 inches sqr. Witnessed by a cluster of Willows Beares S 57° 30′ W. 33 lks. distant. Then commencing at the NW. cor. of Lot 2 in Sec. 25-7-15 E and run thence North at 52.00 ch. set a random stake for half way point across the old Missouri

river bead, at 104.55 chains came to the North bank of the old Missouri river bed 2.57 ch. West of a Meander stake at the intersection of a Sec. line with the river, set by Rummerfield, making a jog of 2.57 ch. between ¼ Sec & Sec lines in the diferent states, Then correcting back and at 27½ lks. North of the random stake set at 52.00 chains. Setting a Limestone 5x11x20 inches square for the NW. cor. of the accretions in the old Missouri river bed to Lot 2 in Sec 25 T 7 R 15 E.

Then commencing at the NE. cor of Lot 2 & the NW. cor. of Lot 1 in Sec 25, running thence N 10° 30' E at 50.00 chaines set a random stake for ½ way and at 98.62 chains came to a stone at Meander corner on the North bank of the Mo. River set by Rummerfield for North bank of river Then correcting back at 49.31 chains the half way point from NE. cor. of Lot 2 in Sec. 25-7-15 E. on the South bank of old Missouri river, to the meander corner on the opposite bank of the old Missouri river to a stone by Rummerfield for Meander corner on old Mo. river bank in the state of Mo. Setting a limestone 7x10x12 inches sqr at the NE. corner of accretion to Lot 2 in Sec 25-7-15 in Nebraska. And NW. cor. of Lot 1 in Sec 25.

Then commencing at the NE. cor. of Lot 1 in Sec 25-7-15 E Neb running thence N 23° 47' E at 40.00 chaines set a random stake and at 78.56 chaines came to meander corner set by Rummerfield for north bank of old Missouri river. Then correcting back and correcting random stake set at 40.00 chaines by setting a limestone 3x9x13 inches square at 39.28 chaines the half way point. Being the NE. cor. of the accretion to Lot 1 in Sec 25 T 7 R 15 E. on the State line. The stone Witnessed by a cottonwood tree 6 inches in diameter. Beares N. 37° E 70 links distant

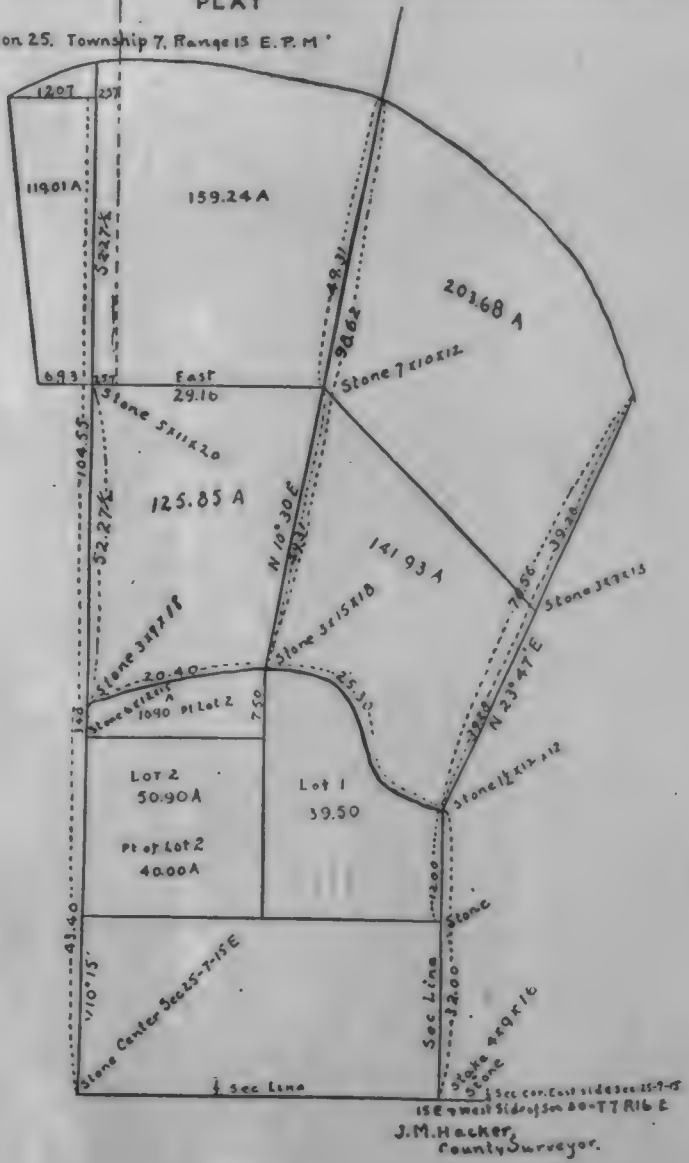
This survey made in connection with B. F. Rummerfield County Surveyor of Atchison county Missouri

SURVEYOR'S RECORD

No 5

PLAT

Section 25. Township 7. Range 15 E. P. M.



J. M. Hacker,
County Surveyor.

FIELD NOTES.

No. of Survey ..... Date December 8th to 23d 1891
Survey for The Lombard Investment Co.
At request of J. H. Stewart
Chainmen sworn Henry C. Taylor and Robert Taylor
Point established Accretion to Lot 1 Sec. 30, Twp. 7, Rng. 16 E, 6th P. M.

Commencing at quartersection corner on the West line of Sec. 30, Town 7, North of Range 16 East. (By the side of the stake set by the Government Surveyors I set a limestone 4x9x16 to preserve and perpetuate the qr. sec. corner on the West line of Sec 30 T 7 R 16 E.) And run thence East on the half section line at 20.00 chaines set a stake, at 40.00 chaines set a random stake and at 47.60 chaines set random stake for the meander corner on the bank of the Old Missouri river bed and the SE. cor. of Lot 1 in S 30 T 7 R 16 E. At the SE. cor. of Lot 1 in Sec. 30 T 7 R 16 E set a limestone 2x11x17 inches square for Meander cor. on the Old Missouri river bed- Then correcting back on half section line and at 20.00 chains set a limestone 4x8x16 inches square, Witnessed by a White elm tree 21 inches in diameter. Beares N 49½° E 17½ lks. distent. Then commencing at the Meander corner stone set at the NE. corner of Lot 1 in S 25 T 7 R 15 E. and also the NW. corner of Lot 1 in Sec 30 T 7 R 16 E. (see page 156 for size of stone & Witness tree) running thence S 59° 30′ E 23.10 chaines for Meander corner set a limestone 2x12x14 inches square for meander corner on river bank. Witnessed by a cottonwood tree 14 inches in diameter Beares S 54° 30′ E-1.47 chaines distant. Then run S 55° E- 24.33 chaines for meander corner on bank of old Missouri river bed, and set a limestone 4x9x19 for meander corner.

Then commencing at the Meander corner at the NW. cor. of Lot 1 Sec. 30 T 7 R 16 E and run thence N 23° 47′ E for the meander corner on the opposite side of the old Missouri river for the purpose of dividing the accretions and obtaining the amount belonging to Lot 1 Sec. 30 T 7 R 16 E. at 40.00 chaines set a random stake for half way, at 78.56 chaines came to the meander corner stone set by Rummerfield on Meander river line Then correcting back at halfway random stake corrected and at 39.29 chaines half way set a Limestone 3x9x13 inches square. Witnessed by a cottonwood tree 6 inches in diameter N 37° E 70 links distant. Then commencing at meander corner stone No 4 and run N 54° 30′ E at 12.00 chaines set a random stake at 27.49 chaines came to random corner set by Rummerfield at SE. cor Lot 1 Se 9 T 66 R 42 W in Missouri, Then correcting back at half way at 13.75 chaines set a stone 3x10x13 inches square Witnessed by a cottonwood tree 6 inches in diameter. Beares S 14° 30′ E 67 links distent.

Then commencing at meander corner stone No. 5 and run N 55° E at 10.00 chaines set a random stake for half way at 24.14 chaines came to random corner set by Rummerfield. Then correcting back at 12.07 chaines set a stone for the NE. corner of a part of accretions to Lot 1 in Sec 30-7-16 E 12.07 chaines N 55° E from a limestone 4x9x19 inches square on meander bank of the old Missouri river on North line of lot 1 S 30-7-16 E Then commencing at a stone 2x11x17 inches square set at SE meander corner of Lot No 1 Sec 30-7-16 E and run N 48° E at 10.00 chaines set a random stake for half way across the old river bed and at 22.88 chaines found it to be the distance across the river. Then correcting back moved random stake set at 10.00 ch by setting a stone at 11.44 chaines for the NE. cor of accretions to Lot 1, Sec 30-7-16 E. Then from the 2x11x17 inches square set for the SE. cor. of Lot 1 S 30-7-16 E. run east at 9.20 chaines set a stone for half way across the old bed of the Missouri river, and at 14.28 chaines set a random stake on the East bank of the Nishneybɔteny river which river is in the old Missouri river bed, 4.12 chaines West of the East bank of the old Missouri River bed. At which point the half section line running East & West threw Sec 30 T 7 R 16 E in Nebraska Jogs South 1.94 chaines of an 80 rod line running E & W threw the Section opposite and in Missouri state and 80 rods North of the South line of said sec. in Mo.

SURVEYOR'S RECORD 157

No 6 PLAT.

Section 30 Township 7 Range 16 East of 6th P.M. Neb

Monday, March 6th, 1905, Continued.

The division of the accretions from the North East corner of lot 2 and the SE. corner of Lot 1 in Section 30 Town 7 North, of Range 16 East of the 6th P. M. in Nebraska. Was made in connection with B. F. Rummerfield, Surveyor of Atchison county Missouri in December 1891. Run East and at 9.20 chaines set a stone for the dividing line and was 1.94 chaines South of Rummerfield's line

Whole distence across 18.40 chaines. Half the distince across 9.20 chaines.

V 9° 30' E

FIELD NOTES.

No. of Survey ..... Date From February 25th to March 29th 1895
Survey for Nemaha County Nebraska
At request of the Board of County Commissioners
Chainmen sworn W. T. Hacker and H. D. Hacker
Point established Divis. Accretions in Old River Sec. 30, Twp. 7 N, Rng. 16 E, 6th P. M. Neb

Commencing at the meander corner on the Nebraska bank of the Old Mo. River bed at the intersection of the South line of S 30, T 7, N. R 16 E. 6th P. M. in Nebr. with the Old Mo. River bed, it it being the S E. cor. of Lot 3 in S 30, and the N E. cor. of Lot 1 in S 31. And run East to meet D. A. Quick Surveyor of Atchison county Mo. Running from the Mo. side of the Old Mo. River bed on a division of Accretions therein and at 13.32½ ch. set a stake and came out 1.53 ch. apart he N and me S. and at half the difference between us 76¼ lks. we set a Limestone 5x14x25 in. sqr. for the dividing line between Mo. and Neb. Whole distence across 26.65 chains. Half the distence across 13.32½ chaines. And Commencing at the meander corner on the Nebr. bank of the Old Mo. River bed, at the S E. cor. of Lot 2 and the N East cor. of Lot 3 in S 30 T 7 N R 16 E 6th P. M. in Nebr. And run East to meet D. A. Quick Surveyor of Atchison county Mo. running from the Mo. side of the Old Mo. River bed on a division of Accretions therein and at 11.35 chaines set a stake and came out 2.00 chaines apart he North and me South, and at half the difference between us, 1.00 chain, we set a Limestone 6x11x20 inches square for the dividing line between Mo. and Nebr. Marked M. and N.

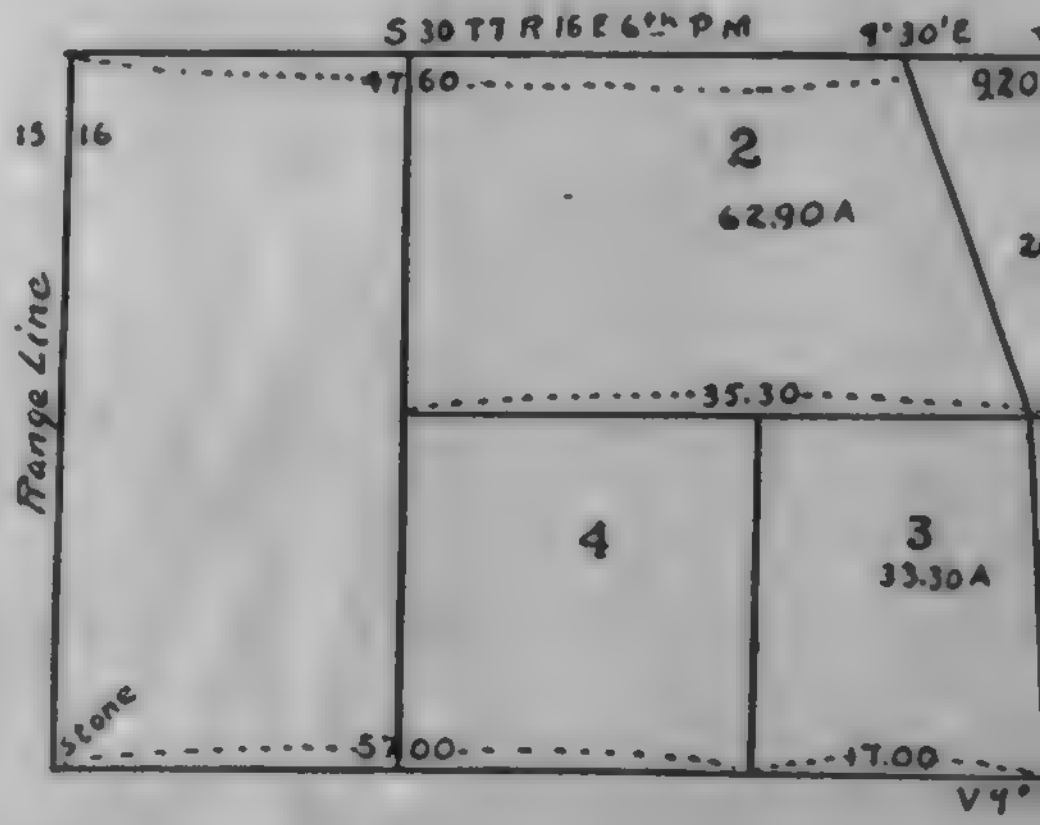
Whole distence across 22.70 chaines. Half the distence across 11.35 chaines.

Monday, March 6th, 19

SURVEYOR'S REC

No 7 PLAT.

Section 30. Township 7 N Range 16 E 6th P.M. Neb



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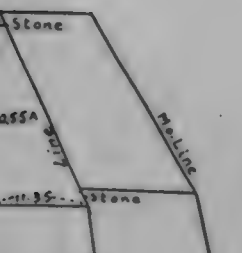


J. M. Hacker
County Surveyor.

FIELD NOTES.

No. of Survey ..... Date From February 25th to March 29th 1895
Survey for Nemaha County Nebraska
At request of the Board of County Commissioners of Nemaha County Nebr.
Chainman sworn W. T. Hacker and H. D. Hacker
Point established division of Accretions Sec 31, Twp 7 N, Rng. 16 E, 6th P. M.

Commencing at the meander corner on the Nebraska bank of the Old Missouri River bed at the intersection of the Township line between Townships 6 and 7 North of Range 16 East of the 6th P. M. in Nebr. with the Old Missouri River bed. Said meander corner being the S E. corner of Lot No 7 in Sec 31 Town 7 N of R 16 E of the 6th P. M in Nebraska.

And run thence East for the purpose of meeting D. A. Quick County Surveyor of Atchison county Missouri coming from the Missouri side of the Old Missouri River bed on a division of the Accretions formed in the Old Missouri River bed, and at 16.02 chaines set a stake for half way and came out 89 links apart be North and me South and at half the difference between us, 44½ links, we set a Limestone 6x15x35 inches square for the dividing line between Missouri and Nebr. marked M & N.

Whole distence across the Old River bed 32.04 chaines. Half the distence across 16.02 ch.

Commencing at the meander corner on the Nebr. bank of the Old Mo. River bed at the S E. meander cor. of Lot 6 and the N E corner of Lot No 7 in S 31, T 7 N of R 16 E of 6th P. M in Nebr.

And run East to meete D. A. Quick County Surveyor of Atchison county Mo. running from the Mo. side on a division of the Accretions and at 12.84½ ch. set a stake & came out 89 lks. apart, be N & me S and at ½ the diference 44½ lks we set a Limestone 6x15x36 inches Sqr for the dividing line between Mo. and Nebr. Marked M & N. Whole distence across 25.69 ch. Half the distence across 12.84½ chaines. And commencing at the meander corner on the Nebr. bank of the Old Mo. River bed at the S E. cor. of Lot 1, and the N E cor. of Lot 6 in S 31 T 7 N of R 16 E. of 6th P. M in Nebr. and run East to meet D. A. Quick County Surveyor of Atchison Co. Mo. running from the Mo. side on a division of the Accretions and at 14.87½ ch. set a stake & came out 1.00 ch. apart, be N and Me S at half the difference 50 lks. set a Limestone 6x15x30 inches Sqr. for the dividing line between Mo & Nebr. Marked M & N Whole dist. across 29.75 ch. Half the distence across 14.87½ ch. And Commencing at the East meander line of Lot 1 on the Nebr. bank of the Old Mo. river bed about 20.00 ch. N. of the SE. cor. of Lot 1

Monday, March 6th, 1905, Continued.

in S 31 T 7 N. R. 16 E of 6th P. M. in Nebr. and run East to meet D. A. Quick Co. Surveyor Atchison Co. Mo. running from the Mo. side on a division of the Accretions & at 13.09 ch. set a stake & came out 1.15 ch. apart be N & me S. at half the difference 57½ lks we set a Limestone 5x14x27 in. Sqr. for the dividing line between Mo. & Nebr. Marked M & N. Whole distence across 26.18 chaines.

Half the " " 13.09 chaines.

And Commencing at the meander corner on the Nebr. bank of the Old Mo. river bed at the intersection of the section line between S 30 & 31 in T 7, N. R 16 E of 6th P. M in Nebr. with the Old Mo River bed. It being the NE. cor. of Lot 1 in S 31 and the SE. cor. of Lot 3 in S 30, T 7, N. R 16 E and run East to meet D. A. Quick Surveyor of Atchison Co. Mo. Running from the Mo. side of the Old River bed on a division of the Accretions and at 13.32½ ch. set a stake and came out 1.53 chaines apart be N and me S at half the difference between us 76¾ links set a Limestone 5x14x25 inc. sqr. for the dividing line between Mo. and Nebr. Marked M and N.

Whole distence across 26.65 chaines.

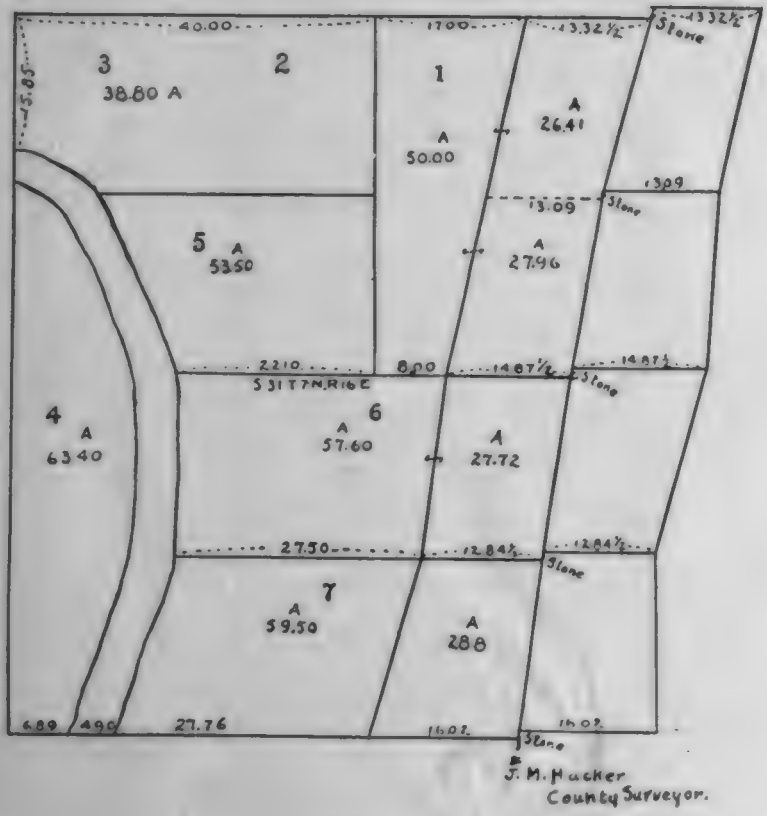
Half the distence across 13.32½ chaines.

V 9° 30′ E

SURVEYOR'S RECORD 219

N° 8 PLAT.

Section 31, Township 7 N. Range 16 E of 6th P.M. Nebr.



J. M. Mucker
County Surveyor.

Monday, March 6th, 1905 Continued.

FIELD NOTES.

No. of Survey..... Date February 25th to March 29th 1895
Survey for Nemaha County Nebraska
At request of the Board of County Commissioners
Chainmen sworn W. T. Hacker and H. D. Hacker.
Point established Div. of Accretions to Sec. 6, Twp. 6 N, Rng. 16 E, 6th P. M.

Commencing at the meander corner of the Nebr. bank of the Old Mo. River bed at the intersection of the Township line between Towns. 6 and 7 N. of R. 16 E of the 6th P. M. in Nebr. with said river bed. Said corner being the N E. cor. of Lot 1 in S 6, T 6 N, R 16 E, and the S E. cor. of Lot 7 in S 31 T 7 N. R 16 E. of 6th P. M in Nebr. And run East to meete D. A. Quick Surveyor of Atchison county Mo. running from the Mo. bank of the Old Mo. River bed on a division of Accretions in the Old Mo. river bed and at 16.02 ch. set a stake for half way and came out 89 links. apart he N and me S. at half the difference between us 44½ lks we set a Limestone 6x15x35 in. Sqr. for the dividing line between Mo. and Nebr. Marked M and N. Whole distence across 32.04 ch. Half the distence across 16.02 chaines. And commencing at the meander corner on the Nebr. bank of the Old Mo. River bed at the S. W cor. of Lot 1 and the S E cor of Lot 2 in Sec. 6, T 6, N. R 16 E of the 6th P. M. in Nebr. And run East for the purpose of meeting D. A. Quick Surveyor of Atchison co. Mo. running from the Mo. side of the Old Mo. River bed on a division of Accretions in the Old river bed and at 21.71½ ch. set a stake and came out 3.48 ch. apart he N and me S. At half the difference between us 1.74 ch. we set a Limestone 6x15x40 in. Sqr. for the dividing line between Mo. and Nebr. Marked M. and N.

Whole distence across 43.43 chaines. Half the distince across 21.71½ chaines.

Commencing at the meander corner at the SW. cor. of Lot 1 and the SE. cor. of Lot 2 in S 6 T 6 N R 16 E of the 6th P. M. in Nebr. And run S 40° E to meet D. A. Quick Surveyor of Atchison Co. Mo. running from the Mo. side on a division of the Accretions, and at 15.68½ ch. set a stake and came out 1.98 ch. apart he E and me W. at half the difference between us 99 lks. we set a Limestone 6x13x39 in. Sqr. for the dividing line between Mo. and Nebr. Marked M & N. Whole distence across 31.37 ch. Half the distence across 15.68½ ch.

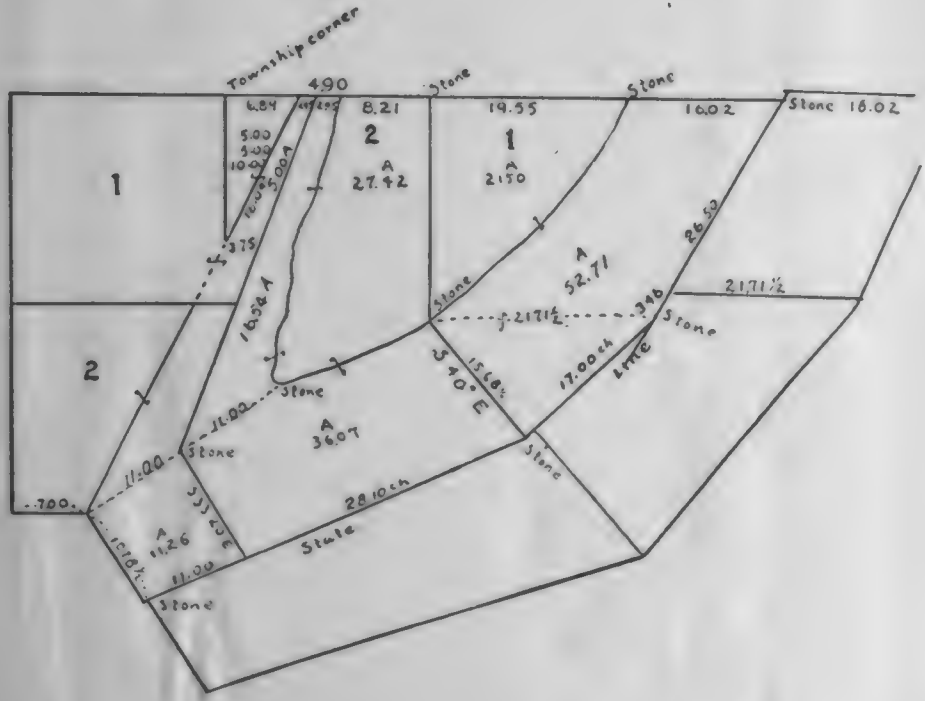
Commencing at a stone set N 54° E 11.00 ch. from the SE. cor. of Lot 2 Sec 1 T 6 R 15 E and at S 47° W 11.00 ch. from the SW. cor. of lot 2 in S 6 T 6. R 16 E 6th P. M. Nebr. and run S 33° 30′ E 11.70 ch. more or less to the dividing line between Mo. and Nebr.

SURVEYOR'S RECORD 221

N° 9

PLAT.

Section 6 Township 6 N. Range 16 E 6th P.M. Nebr.



J. M. Hacker.
County Surveyor.

Monday, March 6th, 1905, Continued.

FIELD NOTES.

No. of Survey..... Date February 25th to March 29th 1895
Survey for Nemaha County Nebraska
At request of the Board of County Commissioners
Chainmen sworn W. T. Hacker and H. D. Hacker
Point established div. of Accretions to Sec. 1, Twp. 6 N, Rng. 15 E, 6th P. M.

Commencing at the meander corner on the Nebr. of the Old Mo. River bed at the SE. cor. of Lot 2 and the NE. cor. of Lot 3 in S 1 T 6 N. R 15 E of the 6th P. M. in Nebr. and run S 33° 30' E and at 10.87½ ch. met D. A. Quick Surveyor of Atchison Co. Mo. on a division of Acretions with a difference of 26 lk between us, we set a Limestone 6x15x41 in. Sqr. for the dividing line between Mo. and Nebr., Marked M and N.

Whole distence across 21.57 ch. Half the distence across 10.78½ chaines.

Commencing on the Nebr. bank of the Old Mo. River bed at the SW. cor. of Lot 3, the SE. cor. of Lot 4 in S 1, T. 6, N. R 15 E of 6th P. M. in Nebr. And run South and at 7.27½ ch. & set a stake & met D. A. Quick Surveyor of Atchison Co. Mo. running from the Mo. bank of the old Mo. River bed, on a division of Accretions and came out with a difference of 55 links he E and me W. at half the diference between us 27½ lks. we set a Limestone 8x10x23 in. Sqr. for the dividing line between Mo. & Nebr. marked M & N. Whole distence across 14.55 ch. Half the distence 7.27½ ch.

Commencing on the Nebr. bank of the old Mo. River bed at the intersection of the section line between Sec 1 and 2 in T 6 N. R 15 E 6th P. M. in Nebr. with the Old Mo. River bed being the SW. cor. of Lot 5 in S 1 and the SE. cor. of Lot 8 in S 2 T 6 R 15 E in Neb. and run South and at 16.64 ch. set a stake and met D. A. Quick Surveyor of Atchison Co. Mo. running from the Mo. bank of the old Mo. River bed on a division of Accretions and came out 30 links apart he E and me West and at half the difference 15 lks. we set a Limestone 6x6x30 in. sqr. for the dividing line between Mo. and Nebr. Marked M and N. Whole distence across 33.28 chaines Half the distence across 16.64 chaines.

Commencing on the Nebr. bank of the Old Mo. River bed at the SW. cor. of Lot 4 the SE. cor. of Lot 5 in S 1 T 6 N. R 15 E 6th P. M. in Nebr. and run South 11.95 chaines more or less to the dividing line between Mo. and Nebr. and set a Limestone 10x12x16 inches sqr. Marked M and N.

Monday, March 6th, 1905, Continued

SURVEYOR'S RECORD

222.

No 10 PLAT.

Section 1. Township 6 N. Range 15 E. 6th P.M. Nebr.

J.M. Hacker,
County Surveyor.

Monday, March 6th, 1905, Continued.

FIELD NOTES.

No. of Survey ..... Date February 25th to March 29th 1895
Survey for Nemaha county Nebraska
At request of the Board of County Commissioners
Chainmen sworn W. T. Hacker and H. D. Hacker

Point established Div. of Accretions to Sec. 2, Twp. 6 N, Rng. 15 E, 6th P. M.

Commencing on the Nebr. bank of the Old Mo. river bed at the SW. cor of Lot 5 in S 1 and SE. cor. of Lot 6 in S 2 T 6 N. R 15 E and run South to meet Surveyor Quick running from the Mo. bank of said River bed on a division of Accretions, at 16.64 ch. set a stake and came out thirty lks W. of Quick's line at half the difference 15 lks. we set a Limestone 6x6x30 in. Sqr. for the dividing line between Mo & Nebr. Marked M & N. Whole distence across 33.28 chs

Commencing on the Nebr. bank of the Old Mo. river bed at the SW. cor. of Lot 7, and the SE. cor. of Lot 6 in S 2 T 6. R 15 E. and run South to meet Surveyor Quick running on a division of Accretions at 27.60½ ch. set a stake and was 3.84 ch. West of Quick at half the diference 1.92 ch. we set a Limestone 7x8x20 in. Sqr. for the dividing line between Mo. & Nebr. Marked M & N. Whole distence across 55.21 ch. Commencing on the Nebr. bank of the Old Mo. river bed at the SW. cor. of Lot 6 and the SE. cor. of Lot 5 in S 2 T 6 R 15 E and run South to meet Surveyor Quick running North on a division of Accretions at 32.36 ch. set a stake and was 80 links West of Quick's line at half the difference 40 lks we set a Limestone 7x14x23 in. Sqr for the dividing line between Mo. & Nebr. Marked M & N. Whole distence across 64.72 chs. Commencing on the Nebr. bank of the Old Mo. River bed at a corner 9.10 chs. West of the NE. cor. of S 2, T 6 N. R 15 E and run N 47° W at 40.00 ch set a random stake and at 82.88 chs. came to a cor. on the Mo. bank of the Old Mo. river bed. Run with Surveyor Quick.– Correcting back we corrected the stake set at 40.00 chs., to 41.44 ch. and set a Limestone 7x12x25 in. Sqr. for the dividing line between Mo. & Nebr. Marked M. & N. Whole distence across 82.88 chs. Commencing on the Nebr. bank of the Old Mo. river bed at the NW. cor. of Lot 2 and NE. cor. of Lot 3 in S 2 T 6 R 15 E and run N 20° W at 40.00 chs. set a stake and at 86.42 chs. came to a Cor. on the Mo. bank of the Old Mo. river bed. Run with Surveyor Quick. Correcting back we corrected the stake set at 40.00 chs. to 43.21 chs. and set a Limestone 6x15x25 in. Sqr. as a Witness Corner N 50° E 3.00 ch. the true corner being in a hole of watter on the sand bar. Marked M & N and on the dividing line between Mo. & Nebr. The distence from the SE. cor. of Lot

Monday, March 6th, 1905, Continued. 420

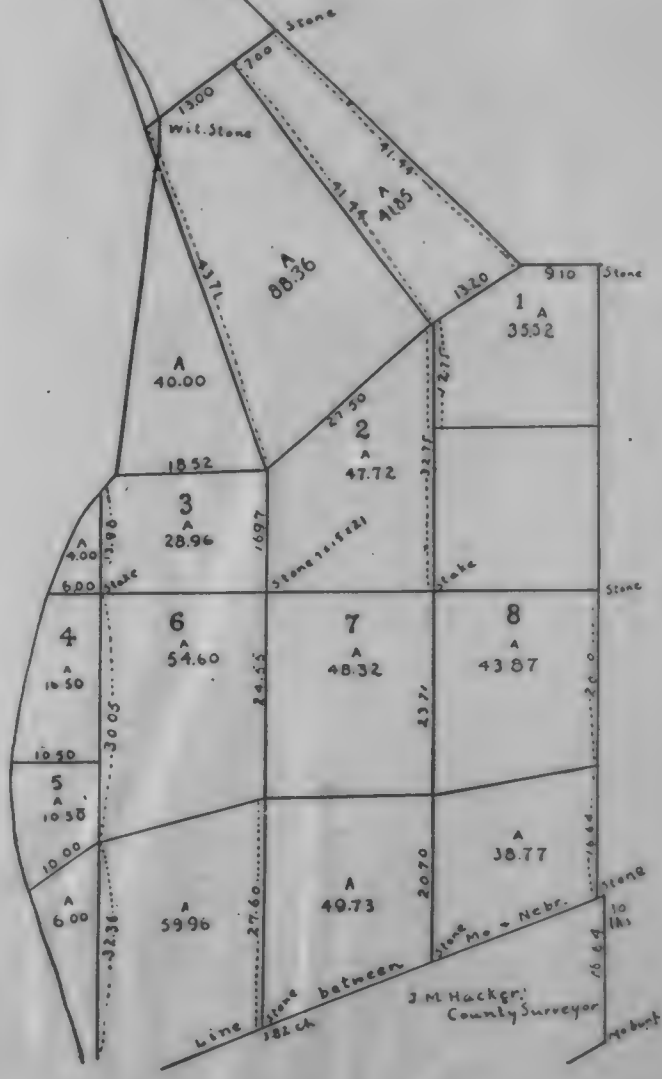
4 S 2 T 6 R 15 E, North to the Mo. river is 13.99 ch. And from the SE. cor. of said Lot 4. West is 6.00 chs. to the Mo. River. And the distence from the NE. cor. of Lot 5 in said S 2 to the Mo. River is 10.50 chs. And South from the NE. cor. of said Lot 5 is 10.05 ch. to the old Mo. River bed. Then Commencing on the Nebr. bank of the Old Mo. river bed at the SE cor. of Lot 7, the SW. cor. of Lot 8 in S 2, T 6 R 15 E and run S. 20.70 chs. to the dividing line between Mo & Nebr. and set a Limestone 7x13x27 in. Sqr. Marked M. & N. Dividing Accretions between Lots 7 & 8 S 2. Commencing at the NW cor. of Lot 1, the NE cor. of Lot 2, in said S 2, and run N 30° W 41.44 chs. and set a stake at the dividing line between Mo and Nebr. Run to find the amount of Accretions to Lots 1 and 2 in S 2 T 6 N R 15 E of 6th P. M. in Nebraska.

on the Mo bank of the old River

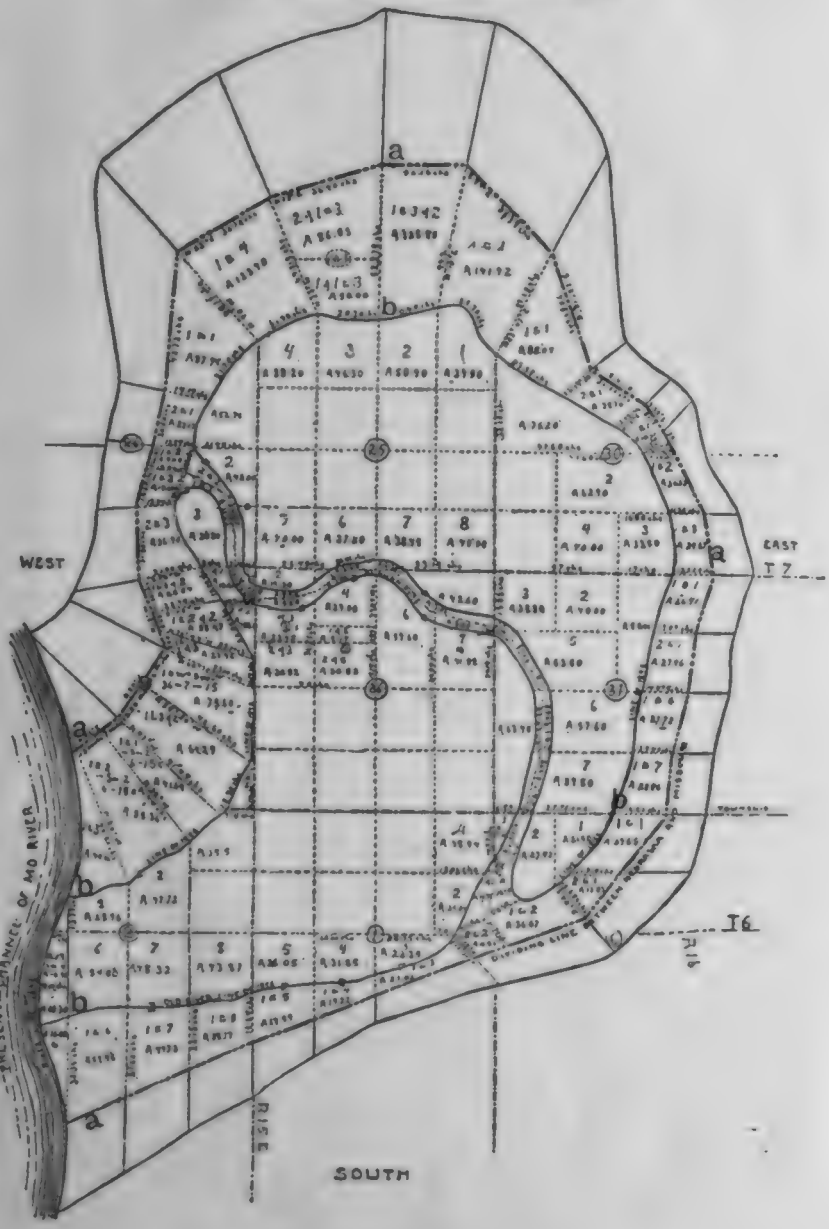
SURVEYOR'S RECORD

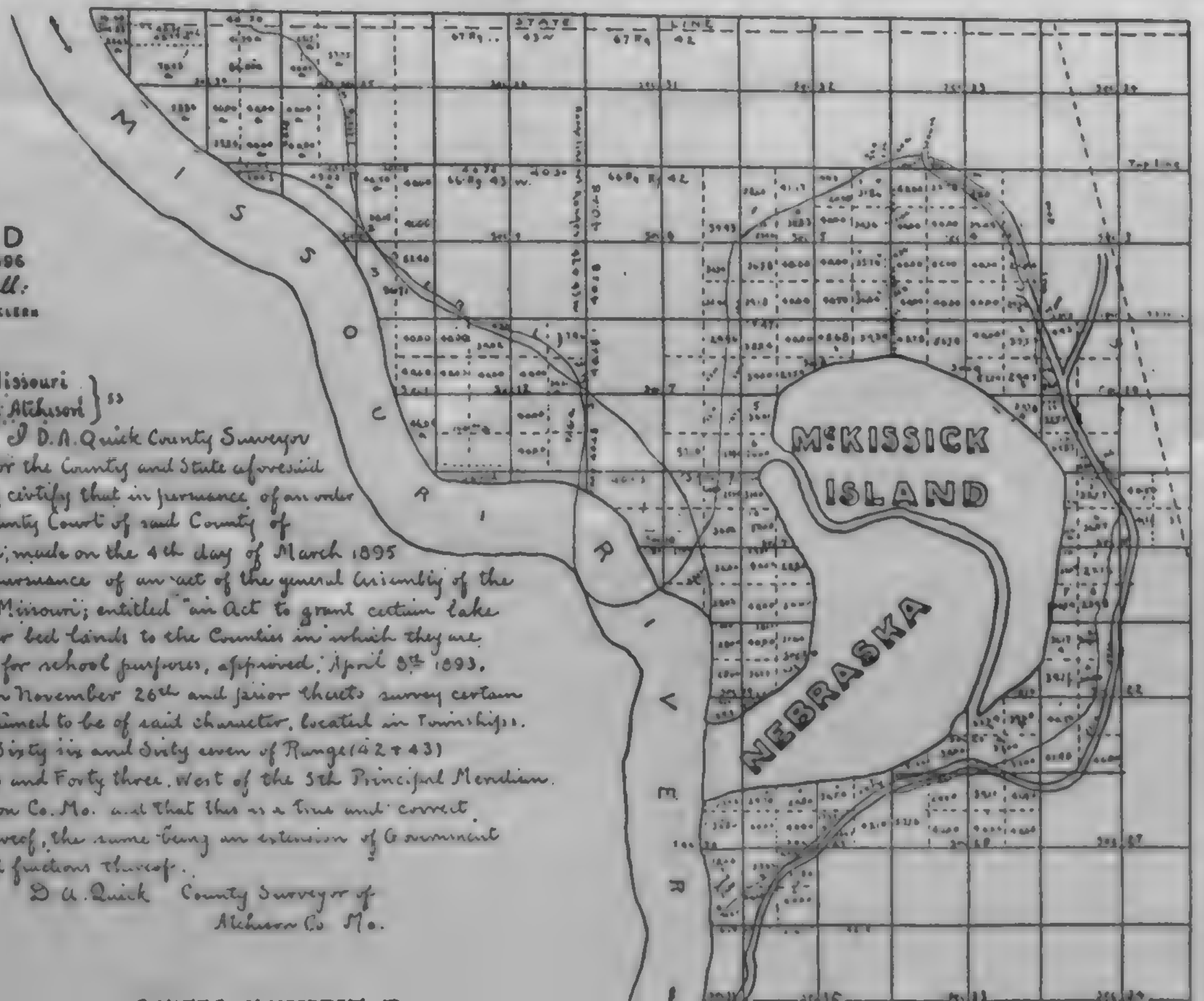
No 11 PLAT.

Section 2 Township 6 N. Range 15 E 6th P.M. Nebr



DEFENDENTS EXIBIT B.





FILED
FEB. 4, 1896
S. S. Ball:
CLERK

State of Missouri }
County of Atchison } ss

I D. A. Quick County Surveyor of and for the County and State aforesaid do hereby certify that in pursuance of an order of the County Court of said County of Atchison; made on the 4th day of March 1895 and in pursuance of an act of the general Assembly of the State of Missouri; entitled "an Act to grant certain lake and river bed lands to the Counties in which they are located, for school purposes, approved April 8th 1893. I did on November 26th and prior thereto survey certain lands claimed to be of said character, located in Townships (66 & 67) Sixty six and Sixty seven of Range (42 & 43) Forty two and Forty three. West of the 5th Principal Meridian of Atchison Co. Mo. and that this is a true and correct Plat thereof, the same being an extension of Government lines and fractions thereof.

D. A. Quick County Surveyor of Atchison Co Mo.

Fractional Townships 66 and 67 North of Ranges 42 and 43 west of the 5th Principal Meridian covering land of Old Missouri River bed. The — line shows Meander of Mo River when the Government Surveyed this land

Plat of Lands in Atchison Co, Mo.

And it is further ordered, adjudged and decreed by the court that the Commissioners heretofore appointed, namely, Alfred Hazlett, Esq., and John W. Halliburton, Esq., be, and they are hereby, directed to establish, or cause to be established, under their direction, permanent monuments marking said boundary line between the State of Missouri and the State of Nebraska, as shown by said aforesaid surveys, and that said Commissioners establish such permanent monuments upon said boundary line as may in their opinion be necessary for permanently marking and establishing the same, and that they make a report to this court of their acts and doings therein, and that said report contain a full and complete description of said boundary line and the monuments thereon established. And that in the execution of this decree said Commissioners are hereby authorized to employ such surveyors and other assistants, and procure such material as may be necessary in the establishment of said permanent monuments marking said boundary line, in accordance with the decree of this court.

And it is further ordered that said Commissioners be paid for their services herein such compensation as may be agreed upon by the respective parties to this suit and said Commissioners, and if the parties to this suit and said Commissioners are unable to agree upon said compensation, such compensation shall be awarded to said Commissioners as in the opinion of this court, upon the filing of the final report by said Commissioners, may seem proper.

It is further ordered that said Commissioners make said final report of their acts and doings in the premises to this court on or before the 15th day of May, 1905.

~~March 6, 1905.~~

PLAINTIFF'S EXHIBIT B.

134. Florida McGuire et al., Petitioners, vs. William A. Blount et al.

On consideration of the motion to fix a day for the oral argument of this cause,

It is now here ordered by the Court that this cause be, and the same is hereby, assigned for argument on Tuesday, October 10th next.

Per Mr. Chief Justice Fuller.

50. Fernand Bonin et al., Plffs in Error, vs. The Gulf Company.

It is ordered by the Court that the further consideration of the petition for a writ of certiorari in this cause be, and the same is hereby, postponed until the hearing of the cause on the merits.

Per Mr. Chief Justice Fuller.

278. Harold Petri et al., Plffs in Error, vs. The F. E. Creelman Lumber Company et al.

It is ordered by the Court that the further consideration of the motion to dismiss in this cause be, and the same is hereby, postponed until the hearing of the cause on the merits.

Per Mr. Chief Justice Fuller.

414. Chicago, Burlington & Quincy Railway Company, Plff in Error, vs. The People of the State of Illinois et

It is ordered by the Court that the further consideration of the motion to

dismiss or affirm in this cause be, and the same is hereby, postponed until the hearing of the cause on the merits.

Per Mr. Chief Justice Fuller.

521. The Rembert Roller Compress Company, Petitioner, vs. The American Cotton Company et al. On petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit and of the argument of counsel in support of the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

543. George E. Hartman Trustee in bankruptcy of The Waterloo Organ Company, Petitioner, vs. The First National Bank of Waterloo, New York. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit and

in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

535 The United States vs. Ju Toy. In consideration of the motion to advance this cause, It is now here ordered by the Court that said motion be, and the same is hereby, granted, and the cause assigned for argument on Monday, April 3d next.

Per Mr. Chief Justice Fuller.

512. Edward H. Harriman et al., Petitioners, vs. Northern Securities Company. On consideration of the motion for leave to file a brief herein on behalf of The Continental Securities Company, It is now here ordered by the Court that said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

512. Edward H. Harriman, Winslow S. Pierce, Oregon Short Line Railroad Company, and The Equitable Trust Company of New York, Petitioners vs. Northern Securities Company. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

This cause came on to be heard on the transcript

of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with costs; and that this cause be and the same is hereby, remanded to the Circuit Court of the United States for the District of New Jersey.

Per Mr. Chief Justice Fuller.

165. Margaret Cunniff now Margaret Smith, vs. Plaintiff in Error, The Reading School District. On motion of Mr. R. Rowe Perry, Jr., leave is hereby granted to Mr. Frederick H. Hinkle to file a brief herein and argue this cause orally for the defendant in error.

533. The United States Life Insurance Co. in the City of New York, vs. Petitioner, Agnes McMahon et al. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. George Clark, in support of the same, and Mr. Amos L. Beaty, in opposition thereto.

John P. McGraw et al.,
v. Petitioners,
Samuel B. Woods et al.

The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Holmes Conrad and Mr. Joseph A. Holt, in support of the same, and Mr. L. L. Lewis, in opposition thereto.

Greer County, Oklahoma Territory,
v. Plff in Error,
160. The State of Texas.

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. George Clark and Mr. A. H. Atkinson, of counsel for the plaintiff in error, and Mr. C. K. Bell and Mr. C. A. Culberson, of counsel for the defendant in error.

A. Hackfeld & Co., Limited,
v. Petitioner,
161. The United States.

This cause was argued by Mr. Maxwell Evarts, of counsel for the petitioner, and Mr. Assistant Attorney General Robb, of counsel for the respondent.

Margaret Cummins, now
Margaret Smith
v. Plff in Error,
165. The Reading School District.

This cause was argued by Mr. Caleb J. Dieber of counsel for the plaintiff in error

Monday March 6th, 1905. Continued.

and Mr. Frederick H. Nicolls, by special
of Counsel for the defendant in [illegible]

Proclamation being made the Court is ad
ed until tomorrow at twelve o'clock.

Tuesday, March 7th, 1905.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Chester I. Long it is ordered that Edgar C. Ellis, Esquire, of Kansas City, State of Missouri, and W. R. Biddle, Esquire, of Fort Scott, State of Kansas, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Helm Bruce it is ordered that A. E. Richards and Elliott H. Pennebaker, Esquires, of Louisville, State of Kentucky be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. H. H. Metson it is ordered that William V. Rinehart, Jr., Esquire, of Seattle, State of Washington, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Henry Butler it is ordered that Irving F. Baxter, Esquire, of Omaha, State of Nebraska, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

166. Walter S. McMichael et al., vs. Appts and Plffs in Error, Samuel Murphy et al.

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Joseph K. McCammon and Mr. James A. Hayden, of Counsel for the appellants and plaintiffs in error, and Mr. J. N. Everest, of Counsel for the appellees and defendants in error.

167. The Middletown National Bank, vs. The Toledo, Ann Arbor & North Michigan Railway Co., et al.

This cause was argued by Mr. F. C. McLaughlin of Counsel for the Bank, Mr. Lucius A. Beers, of Counsel for Ens et al., Mr. Pettibone, of Counsel for Hudson, and Mr. Joseph [illegible], and was submitted on printed arguments by Mr. Charles N. Judson and Mr. William [illegible]

Tuesday, March 7th, 1905. Continued.

P. Crosby, of counsel for Clews & Co., and Mr. John G. Milburn, of counsel for John Jacob Astor.

169. John B. Humphreys, vs. Piff in Error, Charles T. Patman, Trustee &c. This cause was argued by Mr. William A. Brown, of counsel for the plaintiff in error, and Mr. Charles T. Patman, of counsel for the defendant in error.

170. The Louisville & Nashville Railroad Co., vs. Piff in Error, The Barber Asphalt Paving Co., et al. The argument of this cause was commenced by Mr. Helm Bruce, of counsel for the plaintiff in error.

Proclamation being made the Court is adjourned until Tomorrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Hoyt it is ordered that Samuel Knight, Esquire, of San Francisco, State of California, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederic D. McKenney it is ordered that Robert C. Morris, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles P. Buck, it is ordered that Owen Villere, Esquire, of New Orleans, State of Louisiana,

to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. A. Metson it is ordered that James A. Polk, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

180. The United States et al., Appellants, vs. Linea's Winans et al.

On motion of Mr. Solicitor General Hoyt, of counsel for the appellants, It is ordered by the Court that this cause be, and the same is hereby, assigned for argument on Monday, April 3d, after the case heretofore assigned for that day.

170. The Louisville & Nashville Railroad Co., Plff in Error, vs. The Barber Asphalt Paving Co., et al.

The argument of this cause was continued by Mr. William Burton, and Mr. A. E. Richards, of counsel for the defendants in error, and concluded by Mr. Henry Bruce, of counsel for the plaintiff in error.

171. A. J. Chrisman et al., Plffs in Error, vs. E. O. Miller et al.

This cause was argued by Mr. W. H. Metson, of counsel for the plaintiffs in error, and Mr. L. L. Coy, of counsel for the defendants in error.

Wednesday March 8th, 1905, Continued.

172. The New Orleans Gas Light Co,
vs. Aff'n in Error,
The Drainage Commission of
New Orleans et al &c.

The argument of this
cause was commenced
by Mr. Charles F. Buck
of Counsel for the plain
aff in error.

Proclamation being made the Court is adjourned
until To-morrow at twelve o'clock.

Thursday, March 9th, 1905.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Blair Lee it is ordered that Henry P. Greene, Esquire, of Duluth, and Walter L. Case, Esquire, of Cloquet, State of Minnesota, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard R. McMahon it is ordered that Bruce Barnett, Esquire, of Sedalia, State of Missouri, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Benton Hanchett it is ordered that Arch B. Eldredge

Esquire, of Marquette, and Charles D. Hanchett, Esquire, of Hancock, State of Michigan, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

1792. The New Orleans Gas Light Co., vs. Hyp in Error. The Drainage Commission of New Orleans et al.

The argument of this cause was continued by Mr. Charles P. Buck, of counsel for the plaintiff in error, and Mr. Omer Villere, of counsel for the defendants in error, and concluded by Mr. Charles P. Buck, of counsel for the plaintiff in error.

1793. Iron Cliffs Company et al., vs. Hyp in Error, Negaunee Iron Co., et al.

The argument of this cause was commenced by Mr. James A. Hoyt, of counsel for the plaintiffs in error, and continued by Mr. Scott W. Shaull and Mr. Benton Hanchett, of counsel for the defendants in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Friday, March 10th, 1905.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Albert J. Beveridge it is ordered that Charles O. Roemler, Esquire, of Indianapolis, State of Indiana be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

The Chief Justice announced that the Court would take a recess from 1.30 to 2.30 P.M. for the purpose of attending the services in the Senate Chamber at the funeral of William B. Bate, late a Senator of the United States from the State of Tennessee.

173. Iron Cliffs Company et al., Plffs in Error, vs. Negaunee Iron Co., et al.; The argument of this cause was continued by Mr. Benton Hamblett, of counsel for the defendants in error, and concluded by Mr. Elihu Root, of counsel for the plaintiffs in error.

174. James Stillman, Appellant, vs. C. B. Lombe, Independent Executor, &c., et al.; The argument of this cause was commenced by Mr. John A. Garver, of counsel for the appellant, and continued by Mr. Fred Beall, of counsel for the appellees.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday, March 1st, 1909.

Pursuant to adjournment the Court met today at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. N. D. Purdy it is ordered that Lewis W. Parker, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. B. Sullivan it is ordered that Louis Ness, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank P. Prichard it is ordered that Heman W. Morris, Esquire, of Rochester, State of New York,

be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Homer Guernsey it is ordered that Daniel Nelson Clark, Esquire, of Washington District of Columbia, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles A. Culberson it is ordered that Hal W. Greer, Esquire, of Beaumont, State of Texas, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. B. Browne it is ordered that Mark H. Stevens, George W. Cook, and John J. Carton, Esquires, of Flint, State of Michigan, be admitted to practice as attorneys and Counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. C. Spooner it is ordered that Samuel H. Piles and Comin S. Shank, Esquires, of Seattle, State of Washington, be admitted to practice as attorneys and Counsellors of this Court and they were sworn accordingly.

259. George A. Bartlett, Appellant, vs. The United States. Appeal from the Court of Claims.

This cause came on to be heard on the transcript of the record from the Court of Claims, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Holmes.

104. Henry Dallemagne, Consul General of the Republic of France, Appellant, vs. Jean Francois Moisan. Appeal from the District Court of the United States for the Northern District of California.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of California, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the order of the said District Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings consistent with the opinion of this Court.

Per Mr. Justice Peckham.

Dissenting:
Mr. Justice Harlan.

509. The United States, Appellant, vs. Stephen C. Mills. Appeal from the Court of Claims.

This cause came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Peckham.

153. The United States, Appellant, vs. James Stinson and Henry J. Stinson, and Michael S. Bright, as Receiver of James Stinson. Appeal from the United States Circuit Court of Appeals for the Seventh Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the Western District of Wisconsin.

Per Mr. Justice Brewer.

235. Samuel M. Clyatt, Petitioner, v. The United States. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the Circuit Court of the United States for the Northern District of Florida in this cause be, and the same is hereby reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court with directions to grant a new trial.

Per Mr. Justice Brewer.

Mr. Justice McKenna concurs in the judgment.

Dissenting:

Mr. Justice Harlan.

The Chief Justice announced that the Court would take a recess from Monday, the 20th instant to Monday, April 3d next.

196. J. B. Caro, J. C. Keyser, and Josephine Caro, by her next friend, A. B. Caro, Plffs in Error, v. N. N. Davidson, W. E. Anderson, Peter Knowles et al. In Error to the Supreme Court of the State of Florida.

This cause came on to be heard on the transcript of

the record from the Supreme Court of the State of Florida, and on a motion to dismiss which was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

(Per Mr. Chief Justice Fuller.)

533. The United States Life Insurance Company in the City of New York, Petitioner vs. Agnes McMahon et al.

On petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of Counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

(Per Mr. Chief Justice Fuller.)

144. Gus G. Coulter et al., Appellants, vs. The Louisville & Nashville Railroad Company.

On motion of Mr. J. C. McReynolds, in behalf of Counsel, leave is hereby granted the Clerk to issue the mandate in this cause.

W. C. Goss et al.,
434. Appts & Plffs in Error,
J. T. Nelson.)

The suggestion of diminution of the record and motion for a writ of certiorari in this cause was submitted to the consideration of the Court on printed arguments by Mr. Frank Dale and Mr. A. G. C. Bierer, in support of the same, and Mr. W. R. Biddle and Mr. W. P. Dillard, in opposition thereto.

State of Louisiana,
11, Original. vs. Complainant,
State of Mississippi.)

On motion of Mr. John Dymond Jr., of counsel for the complainant, It is ordered by the Court that the evidence in this cause be opened, published and filed.

James Stillman,
174. vs. Appellant,
C. B. Combe, Independent Executor &c., et al.)

The argument of this cause was continued by Mr. Fred Beall and Mr. J. D. Childs, of counsel for the appellees, and concluded by Mr. James M. Beck, of counsel for the appellant.

George Schlosser,
175. vs. Plff in Error,
W. L. Hemphill et al.)

The argument of this cause was commenced by Mr. Charles A. Clark, of counsel for the plaintiff in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Thursday, March 14th, 1905.

Pursuant to adjournment the Court met this day at the Capitol.

Present:

The Honorable Melville W. Fuller, Chief Justice
David J. Brewer,
Henry B. Brown,
Edward D. White, Associate
Rufus W. Peckham, Justices
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened,

On motion first made to the Court in this behalf by Mr. J. Spalding Flannery it is ordered that Edward L. Blackman, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Melville Church it is ordered that John S. Richardson and Ellis Spear, Jr., of Boston, State of Massachusetts, be admitted to practice as attorneys and Counsellors of this Court and they were sworn accordingly.

561. The Leather Manufacturers' National Bank of New York City, vs. Petitioner, Charles A. Treat, Collector &c.

On motion of Mr. Frank W. Hackett, of counsel for the petitioner, leave is hereby granted to file a petition for certiorari herein without furnishing a certified copy of the transcript of record at this time.

202. Alice S. Birrell, vs. Piff in Error, The New York & Harlem Railroad Co. et al.

203. Patrick Kierns, Executor &c., vs. Piff in Error, The New York & Harlem Railroad Co. et al.

On motion of Mr. E. L. Blackman, in behalf of counsel, It is ordered by the Court that these cases be passed temporarily.

175. George Schlosser, vs. Piff in Error, N. L. Hempstead et al.

The argument of this cause was continued by Mr. E. B. Evans, of counsel for the defendants in error, and concluded by Mr. George E. Clarke, of counsel for the plaintiff in error, and leave was granted counsel for the defendants in error to file an additional brief on or before the 18th instant.

178. Western Electrical Supply Company, vs. Abbeville Electric Light and Power Company. (Aff'm in Error.)

This cause was argued by Mr. William M. Graydon, of Counsel for the defendant in error, and submitted on a printed argument by Mr. Lee W. Grant, of counsel for the plaintiff in error.

182. The Pennsylvania Lumbermen's Mutual Fire Insurance Co., vs. Charles C. Meyer.

The argument of this cause was commenced by Mr. Frank P. Prichard, of Counsel for the Insurance Company.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Wednesday, March 15th, 1893.

Pursuant to adjournment the Court met to-day at the Capitol.

Present.

The Honorable Melville W. Fuller, Chief Justice,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.
John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

182. The Pennsylvania Lumbermen's Mutual Fire Insurance Co., vs. Charles C. Meyer.

The argument of this cause was continued by Mr. Heman W. Morris of counsel for Meyer, and concluded by Mr. Frank P. Prichard, of counsel for the Insurance Co.

183. Rafael Rodriguez et al., vs. The United States.

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Francis N. Dexter, Mr. Frederic D. McKenney, and Mr. John Spalding Flannery, of counsel for the plaintiffs in error, and Mr. Assistant Attorney General Robb and Mr. [illegible]

E. Husted, of Counsel for the defendant in error, and leave was granted Counsel for the defendant in error to file an additional brief within five days.

184. The United States, Appellant, vs. John Smith. The argument of this cause was commenced by Mr. Edwin P. Hanna, of Counsel for the appellant, continued by Mr. John Spalding Flannery, of Counsel for the appellee, and concluded by Mr. Assistant Attorney General Pradt, of Counsel for the appellant.

185. Samuel McMillen et al. Plffs in Error, vs. The Forum Mining Co. The argument of this cause was commenced by Mr. George R. Elder, of Counsel for the plaintiffs in error.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Thursday, March 16th, 1905.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.
John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

185. Samuel McMillen et al., Plffs in Error, v. The Ferrum Mining Co. The argument of this cause was continued by Mr. George R. Elder, of counsel for the plaintiffs in error, and Mr. Charles Cavender, of counsel for the defendant in error, and concluded by Mr. George R. Elder, of counsel for the plaintiffs in error.

186. In the matter of Morris Strauss. This cause was argued by Mr. Max J. Kohler, of counsel for Strauss, and submitted on a printed argument by Mr. Howard S. Gans, of counsel for the respondent.

50. Fernand Bonin et al., vs. Plffs in Error, The Gulf Company. This cause was argued by Mr. Branch K. Miller, of counsel for the plaintiffs in error, and submitted on printed arguments by Mr. Edgar A. Farrar, Mr. B. F. Jonas, and Mr. E. B. Kruttschnitt, of counsel for the defendant in error.

188. William A. N. Gleason, vs. Plff in Error, Edward L. White. The argument of this cause was commenced by Mr. George M. Robbins of counsel for the plaintiff in error.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Thursday, March 16th, 1905.

Pursuant to adjournment the Court met to-day at the Capitol:

Present,

The Honorable Melville W. Fuller, Chief Justice,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

185. Samuel McMillen et al., Plffs in Error, vs. The Ferrum Mining Co. The argument of this cause was continued by Mr. George R. Elder, of counsel for the plaintiffs in error, and Mr. Charles Cavender, of counsel for the defendant in error, and concluded by Mr. George R. Elder, of counsel for the plaintiffs in error.

186. In the matter of Morris Strauss. This cause was argued by Mr. Max F. Kohler, of counsel for Strauss, and submitted on a printed argument by Mr. Howard S. Gans, of counsel for the respondent.

50. Fernand Bonin et al., Plffs in Error, vs. The Gulf Company. This cause was argued by Mr. Branch K. Miller, of counsel for the plaintiffs in error, and submitted on printed argument by Mr. Edgar H. Farrar, Mr. B. F. Jonas, and Mr. E. B. Kruttschnitt, of counsel for the defendant in error.

188. William A. N. Gleason, Plff in Error, vs. Edward L. White. The argument of this cause was commenced by Mr. George M. Robbins of counsel for the plaintiff in error.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Friday, March 17th, 1905.

Pursuant to adjournment the Court met to-day at the Capitol.

Present:

The Honorable Melville W. Fuller, Chief Justice,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Marion Erwin it is ordered that Robert P. Shick, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Edward H. Harriman et al, Petitioners,
vs.
Northern Securities Company.
512.

The motion that the mandate in this cause be issued at once was submitted to the consideration of the Court by Mr. W. D. Clough, Mr. John G. Johnson, Mr. Elihu Root, Mr. Francis Lynde Stetson, and Mr. John W. Griggs, in support of the same, and Mr.

Mr. Maxwell Evarts, in opposition thereto.

188. William H. N. Gleason, Plff in Error, vs. Edward L. White. The argument of this cause was concluded by Mr. George M. Robbins, of counsel for the plaintiff in error. No brief was filed for the defendant in error.

192. Cincinnati Unhairing Co., et al., Petitioners, vs. American Fur Refining Co., et al. This cause was argued by Mr. Louis C. Raegener, of counsel for the petitioners, and Mr. Henry Schreiter, of counsel for the respondents.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Monday, March 30th, 1903.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf, by Mr. Charles Earl it is ordered that Richard A. Irving, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William S. Hodges it is ordered that Walter P. Phinney, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas H. Clark it is ordered that

admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

160. Green County, Oklahoma Territory, vs. The State of Texas. Aff'm Error, In Error to the Court of Civil Appeals for the Third Supreme Judicial District of the State of Texas.

This cause came on to be heard on the transcript of the record from the Court of Civil Appeals for the Third Supreme Judicial District of the State of Texas and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Civil Appeals in this cause be, and the same is hereby affirmed with costs.

Per Mr. Justice Holmes.

Ex parte In the matter of Peter Miller and Thomas Shepperson, Petitioners. On consideration of the motion for leave to file a petition for a writ of habeas corpus herein, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

U. C. Guss et al.,
vs. Appts and Plffs in Error
1234. J. P. Nelson

On consideration of the suggestion of diminution of the record, and motion for a writ of certiorari in this cause and of the argument of Counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

John P. McGraw and The Greenbrier River Lumber Co.,
vs. Petitioners
540. Samuel B. Woods and James Morgan, Trustees.

On petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of Counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

Edward J. Pearcy,
vs. Plff in Error,
921. Nevada N. Stranahan.

On motion of Mr. Assistant to the Attorney General Day, It is ordered that this cause be, and the same is hereby, continued until the next term per stipulation of counsel.

Ex parte In the matter of Gertrude Glaser, Administratrix of Isador Glaser, deceased, Petitioner. Mr. Richard A. Irving, of Counsel for the petitioner submitted to the consideration of the Court a motion for leave to file a petition for a writ of mandamus herein.

Russell Sage, as Assignee in trust of The Hastings & Dakota Railway Company, Plff in Error, v. Theodore A. Maxwell and Louisa Maxwell, his wife, et al. 270. In Error to the Supreme Court of the State of Minnesota.

This cause having been called to the attention of the Court by Mr. A. B. Browne, of Counsel for the plaintiff in error, and a stipulation of Counsel for the respective parties to dismiss the writ of error in this cause having been filed, Therefore, in pursuance of said stipulation, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed.

Per Mr. Chief Justice Fuller.

Russell Sage, as Assignee in trust of The Hastings & Dakota Railway Co., Plff in Error, v. Henry Munsterman and Mary Munsterman, his wife, et al. 271. In Error to the Supreme Court of the State of Minnesota.

Court by Mr. A. B. Browne, of counsel for the plaintiff in error, and a stipulation of counsel for the respective parties to dismiss the writ of error in this cause having been filed. Therefore, in pursuance of said stipulation, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed.

Per Mr. Chief Justice Fuller.

558. The Boston Water & Light Co., et al., Petitioners, v. The Farmers Loan & Trust Co., Trustee, et al.

559. The New England Water Works Co., et al., Petitioners, v. The Farmers Loan & Trust Co., Trustee, et al.

The petitions for writs of certiorari herein were submitted to the consideration of the Court on printed arguments by Mr. S. S. Gregory and Mr. C. H. Coppenheimer, in support of the same in No. 558, and Mr. James Hamilton Lewis, in support of the same in No. 559, and by Mr. William Barry, in opposition thereto in both cases, and leave was granted counsel for petitioners in No. 558 to file a reply brief within five days.

557. Central Commercial Co., Petitioner, v. Chicago Title & Trust Co., Trustee, et al.

The petition for a writ of certiorari herein was submitted to the con-

Court by Mr. Lewis W. Parker, in support of the same.

567. Sonia Transportation Co., Petitioner, vs. J. I. Case Threshing Machine Co., Claimant &c.) The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed argument by Mr. John C. Richberg, in support of the same, and Mr. George D. VanDyke, in opposition thereto.

551. Tennessee Oil, Gas & Mineral Co., Petitioner, vs. F. D. Brown et al.) The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. A. A. Ingersoll and Mr. Harvey D. Goulder, in support of the same, and Mr. C. E. Lueby and Mr. Edward T. Sanford, in opposition thereto.

Proclamation being made the Court is adjourned until Monday, April 3d next at twelve o'clock.

Monday, April 3d, 1905.

Pursuant to adjournment the Court met to-day at the Capitol,

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf, by Mr. Solicitor General Hoyt it is ordered that Franklin Nevins, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf, by Mr. E. S. McCalmont it is ordered that Joseph D. Sullivan, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly:

On motion first made to the Court in this behalf by Mr. Charles K. Robbit is ordered that John W. Yerkes, Esquire, of Danville, State of Kentucky, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf, by Mr. S. Herbert Giesy it is ordered that Thomas James Meagher, Esquire, of Philadelphia State of Pennsylvania, be admitted to practice as an attorney and counsellor of this Court and, he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel A. Piles it is ordered that Lucien C. Gilman, Esquire, of Seattle, State of Washington be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. B. Dillon it is ordered that Elbert E. Morton, Esquire, of Columbus, State of Ohio, be, admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles C. Lancaster it is ordered that Herbert E. Smith, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney

accordingly.

On motion first made to the Court in this behalf by Mr. A. B. Browne, it is ordered that John A. Small, Esquire, of Washington, State of North Carolina, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas H. Clark it is ordered that William M. Coleman, Esquire, of New York City, and John J. Strickland, Esquire, of Athens, State of Georgia, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Ridout it is ordered that Hayden Johnson, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

A. Hackfeld & Company, Limited, Petitioner,
vs.
The United States.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

164

This cause came on to be heard on the transcript of

Appeals for the Ninth Circuit, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, reversed; and that this cause be, and the same is, hereby, remanded to the District Court of the United States for the District of Hawaii with directions to discharge the petitioner.

Per Mr. Justice Day.

172. The New Orleans Gas Light Company, Plff in Err., vs. The Drainage Commission of New Orleans, The Sewerage and Water Board, Successors, substituted, etc. } In Error to the Supreme Court of the State of Louisiana.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Louisiana, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Day.

Iron Cliffs Company, The Cleveland Cliffs Iron Company et al., Plffs in Error,
vs.
Negaunee Iron Company, Edward N. Breitung and Mary Kaufman.

173. In Error to the Supreme Court of the State of Michigan.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Michigan, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Justice Day.

The United States, Petitioner,
vs.
George E. Badger, Edward Parker, John J. Keating and John N. Myers.

438. On writ of certiorari to the Court of Appeals of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the District of Columbia, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Appeals in this cause be, and the same is hereby, reversed; and that this

the said Court of Appeals with directions to reverse the judgment of the Supreme Court of the District of Columbia and remand the cause to that Court for further proceedings in accordance with the opinion of this Court.

(Per Mr. Justice Day.)

149. Frederic H. Lincoln, Henry W. Peabody, John R. Bradlee et al, trading as Henry H. Peabody & Co., Plffs in Error, v. The United States. In Error to the District Court of the United States for the Southern District of New York.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of New York, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with law.

(Per Mr. Justice Holmes.)

Warner, Barnes & Company, Limited, Appellant,
vs.
The United States.

1466. Appeal from the Court of Claims.

This cause came on to be heard on the transcript of the record from the Court of Claims, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Court of Claims for further proceedings in conformity with law.

Per Mr. Justice Holmes.

The Louisville & Nashville Railroad Company, Plff in Error,
vs.
The Barber Asphalt Paving Company and The City of Louisville.

170. In Error to the Court of Appeals of the State of Kentucky.

This cause came on to be heard on the transcript of the record from the Court of Appeals of the State of Kentucky, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Appeals in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Holmes.

174. James Stillman, Appellant, vs. C. B. Combe, independent Executor of the estate of Stephen Powers, deceased, C. B. Combe, et al. Appeal from the Circuit Court of the United States for the Southern District of Texas.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Texas, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby reversed with costs; and that this cause be, and the same is hereby remanded to the said Circuit Court with directions to make restitution to the appellant and to dismiss the bill.

Per Mr. Justice Holmes.

167. The Middletown National Bank, vs. Toledo, Ann Arbor & North Michigan Railway Company et al. On a certificate from the United States Circuit Court of Appeals for the Second Circuit.

This cause came on to be heard on a certificate from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel. On consideration whereof, It is the opinion of this Court that the first question cer-

upon, It is now here ordered by this Court that it be so certified to the said United States Circuit Court of Appeals.

Per Mr. Justice Peckham.

182. The Pennsylvania Lumbermen's Mutual Fire Insurance Company, vs. Charles C. Meyer. On a certificate from the United States Circuit Court of Appeals for the Second Circuit.

This cause came on to be heard on a certificate from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel. On consideration whereof, It is the opinion of this Court that the question certified must be answered in the affirmative. Whereupon, It is now here ordered by this Court that it be so certified to the said United States Circuit Court of Appeals.

Per Mr. Justice Peckham.

(Mr. Justice Harlan took no part in the decision of this case.)

184. Guilford B. Keppel, Trustee &c., vs. Fiffin Savings Bank. On a certificate from the United States Circuit Court of Appeals for the Sixth Circuit.

116. This cause came on to be heard on a certificate

Sixth Circuit, and was argued by Counsel. On consideration whereof, It is the opinion of this Court that the first question certified must be answered in the affirmative. Whereupon, It is now ordered by this Court that it be so certified to the said United States Circuit Court of Appeals.

per Mr. Justice White.

Dissenting:
Mr. Justice Day,
Mr. Justice Harlan,
Mr. Justice Brewer and
Mr. Justice Brown.

The United States, Appellant, vs. John Smith. Appeal from the Court of Claims.

This cause came on to be heard on the transcript of the record from the Court of Claims, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause be, and the same is hereby reversed; and that this cause be, and the same is hereby, remanded to the said Court of Claims, with directions to dismiss the claimant's petition.

per Mr. Justice White.

92. Joshua Bishop, Appellant, vs. The United States. Appeal from the Court of Claims.

This cause came on to be heard on the transcript of the record from the Court of Claims, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Brown.

1162. Alfred W. Carter, guardian of the property of Annie P. K. Parker, a minor, Plff in Error, vs. George D. Gear, Second Judge of the Circuit Court of the First Circuit, Territory of Hawaii, et al. In Error to the Supreme Court of the Territory of Hawaii.

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory of Hawaii, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Brown.

185. Samuel McMillen, Ronald Morrison, and Eben Smith, Plffs in Error, vs. The Ferrum Mining Company. In Error to the Supreme Court of the State of Colorado.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Colorado, and was argued by counsel. On consideration whereof, It is now here ordered, and adjudged by this Court that the writ of error in this cause be, and the same is hereby dismissed for the want of jurisdiction.

Per Mr. Justice Brewer.

171. A. L. Chrisman and N. T. Chrisman, Plffs in Error, vs. E. O. Miller and The Home Oil Company. In Error to the Supreme Court of the State of California.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of California, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed, with costs.

Per Mr. Justice Brewer.

186. In the matter of Morris Strauss. On a certificate from the United States Circuit Court of Appeals for the Second Circuit.

This cause came on to be heard on a certificate from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel. On consideration whereof, It is the opinion of this Court that the first question certified must be answered in the affirmative and the second in the negative. Whereupon, It is now here ordered by this Court that it be so certified to the said United States Circuit Court of Appeals.

Per Mr. Justice Brewer.

(Mr. Justice Harlan did not hear the argument and took no part in the decision of this case.)

166. Walter S. McMichael, Lillian M. Harris, Lula F. McGee et al., Plffs in Error and Appellants, vs. Samuel Murphy, Louisa Murphy, his wife, Ferdinand Batchelder et al. In Error to and Appeal from the Supreme Court of the Territory of Oklahoma.

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory

consideration whereof, It is now here ordered, and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Harlan.

178. Western Electrical Supply Company, Plff in Error, vs. Abbeville Electric Light and Power Company. In Error to the Supreme Court of the State of South Carolina.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of South Carolina, and was argued by counsel; On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

512. Edward H. Harriman et al., Petitioners, vs. Northern Securities Company. The opinion of the Court in this cause by Mr. Chief Justice Fuller was ordered filed.

512. Edward H. Harriman et al., Petitioners, vs. Northern Securities Company. On consideration of the motion that the mandate in this cause issue

at once. It is now here ordered by the Court that said motion be, and the same is hereby, denied. It is further ordered that the mandate be stayed until April 17th instant.

Per Mr. Chief Justice Fuller.

512. Edward H. Harriman et al., Petitioners, vs. Northern Securities Company. It is ordered by the Court that the decree entered herein by this Court on March 6, 1905, be, and the same is hereby, amended by the addition of the words "with a direction to dismiss the bill."

Per Mr. Chief Justice Fuller.

Ex parte In the matter of Gertrude Glaser, Administratrix of Isador Glaser, deceased, Petitioner. On consideration of the motion for leave to file a petition for a writ of mandamus herein, It is now here ordered by the Court that said motion be, and the same is hereby, granted.

16, Original.

Per Mr. Chief Justice Fuller.

Ex parte In the matter of Gertrude Glaser, Administratrix of Isador Glaser, deceased, Petitioner. On consideration of the petition of Gertrude Glaser, Administratrix of Isador Glaser, deceased, It is now

16, Original.

Court that cause be shown by the Judges of the Circuit Court of the United States for the Eastern District of New York before this Court at the City of Washington on Monday, April 17th, 1905, at 11 o'clock noon of that day, or as soon thereafter as counsel can be heard, why the prayer of said petition should not be granted.

Per Mr. Chief Justice Fuller.

551. Tennessee Oil, Gas and Mineral Company, Petitioner, vs. F. D. Brown et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

557. Central Commercial Company, Petitioner, vs. Chicago Title and Trust Company, Trustee, et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

On consideration of the petition for a writ of cer-

of Appeals for the Seventh Circuit, and of the argument of Counsel in support of the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

558. The Boston Water and Light Company et al., Petitioners, vs. The Farmers Loan & Trust Company, Trustee, et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of Counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

559. The New England Water Works Company et al., Petitioners, vs. The Farmers Loan & Trust Company, Trustee, et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of Counsel thereupon had, as well in support of as against the same, It is now here ordered by the

Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

567. Sonia Transportation Company, Petitioner, vs. J. D. Case Threshing Machine Company, Claimant of 2098 tons of Coal, Cargo of the Steamer "Sonia". On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

265. The District of Columbia, Appellant vs. Columbus J. Eslin, Admr of Daniel A. Connolly, deceased.

266. Columbus J. Eslin, Admr of Daniel A. Connolly, deceased, Appellant vs. The District of Columbia.

293. Samuel J. Ritchie, Appellant, vs. The District of Columbia.

William A. Gordon and J. Holdsworth Gordon, Executors of Osceola C. Green, deceased,
vs. Appellants,
The District of Columbia.

296.

Appeals from the Court of Claims.

This cause having been called to the attention of the Court by Mr. Solicitor General Hoyt, and a stipulation of counsel for the respective parties to dismiss these appeals having been filed, Therefore, in pursuance of said stipulation, It is now here ordered and adjudged by this Court that these appeals be, and the same are hereby, dismissed.

Per Mr. Chief Justice Fuller.

Albert C. Gunnison et al.,
vs. Petitioners,
Chicago, Milwaukee & St. Paul Railway Co.

577.

The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. William F. Vilas, Mr. John C. Spooner, and Mr. John B. Sanborn, in support of the same, and Mr. George R. Peck, Mr. Burton Hanson, and Mr. C. N. Van Alstine, in opposition thereto.

347. Union Refrigerator Transit Co., v. Riffin, Error, The Commonwealth of Kentucky by H. L. Steller, Jr., Revenue Agent. Mr. J. C. McReynolds, in behalf of counsel for the defendant in error, submitted to the consideration of the Court a motion to advance this cause.

583. First National Bank of Baltimore, Petitioner, v. William A. Staake, Trustee, et al. 584. Henry A. McHarg & A. A. Phlegar, Receivers &c., et al., Petitioners, v. William A. Staake, Trustee &c. The petitions for writs of certiorari herein were submitted to the consideration of the Court on printed arguments by Mr. S. Hamilton Graves, in support of the same, and Mr. H. Gordon McCouch, in opposition thereto.

541. Daniel R. Kendall, Appellant, v. The American Automatic Loom Company. The motion to advance this cause was submitted to the consideration of the Court on printed arguments by Mr. Noah C. Rogers, in support of the same, and Mr. Benjamin N. Cardozo in opposition thereto.

593. The Western Electric Co., Petitioner, v. John F. Hanselmann, &. The petition for a writ of certiorari herein was submitted to the

Consideration of the Court on printed arguments by Mr. John Notman, in support of the same, and Mr. John P. Hanedmann, Jr., in propria persona, in opposition thereto.

547. The Kansas City Southern Railway Co., Petitioner, vs. Clark Prunty. The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. Samuel W. Moore, in support of the same.

548. Great Northern Railway Co., Petitioner, vs. William C. Fowler. The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. L. C. Gilman, in support of the same.

580. Memphis Consolidated Gas & Electric Co., Petitioner, vs. Jane Leloon. The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. Thomas B. Turley, in support of the same.

530. Security Mutual Life, Insurance Co, vs. Plff in Error, Henry R. Prewitt, Insurance Commissioner.

539. The Travelers Insurance Co, of Hartford, Conn. vs. Plff in Error, Henry R. Prewitt, Insurance Commissioner.

Mr. Joseph D. Sullivan, in behalf of counsel for the defendant in error, submitted to the consideration of the Court motions to advance these cases.

595. United Engineering and Contracting Company, vs. Petitioner, Francis Broadnax

The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Franklin Nevins, Mr. L. Laflin Kellogg, and Mr. Alfred C. Pette, in support of the same, and Mr. Andrew Wilson and Mr. Noel W. Barksdale, in opposition thereto.

523. George W. Allen, Admr &c, vs. Plff in Error, Frank M. Arginbaux, Surviving partner &c.

The motions to dismiss or affirm in this cause were submitted to the consideration of the Court on the record and printed arguments by Mr. H. Bisbee and Mr. George C. Bedell, in support of the same, and Mr. R. N. Liggett,

Stgallon's Independence, Limited, Petitioner,
vs.
584. Tyson S. Dines et al., Executors, et al.)

The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Samuel Untermeyer and Mr. Louis Marshall, in support of the same, and Mr. L. M. Goddard, in opposition thereto.

The People of the State of New York ex rel. The Metropolitan Street Ry Co.,
vs.
74. Plff in Error,
The State Board of Tax Commissioners.

The People of the State of New York ex rel. The Twenty-third Street Ry Co.,
vs.
75. Plff in Error,
The State Board of Tax Commissioners.

The People of the State of New York ex rel. The Central Crosstown R. R. Co.,
vs.
76. Plff in Error,
The State Board of Tax Commissioners.

The People of the State of New York ex rel. The Consolidated Gas Co. of New York
vs.
77. Plff in Error,
The State Board of Tax Commissioners.

The People of the State of New York ex rel. The New Amsterdam Gas Co.,
vs.
78. Plff in Error,
The State Board of Tax Commissioners.

On motion of Mr. Thomas H. Clark, in behalf of counsel, It is now here ordered by the Court that these cases be

79. The People of the State of New York ex rel. The Brooklyn City R.R. Co., vs. The State Board of Tax Commissioners. } Writ of Error } and the same are hereby assigned for argument on Monday the 10th instant.

80. The People of the State of New York ex rel. The Coney Island & Brooklyn R.R. Co., vs. The State Board of Tax Commissioners. } Writ of Error }

585. Charles E. Moore et al., Petitioners vs. Robert B. Petty and Henry A. Negley, Executors &c. } The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. Elbert H. Hubbard, in support of the same.

348. The American Surety Company, Appellant, vs. Willis G. Bowland, L. Ewing Jones et al. } Appeal from the Circuit Court of the United States for the Southern District of Ohio.

It appearing to the Court that a stipulation of counsel for the respective parties to dismiss this appeal has been filed, Therefore, in pursuance of said stipulation, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed.

Per Mr. Chief Justice Fuller.

347. The Fidelity and Casualty Company, Appellant, vs. Willis G. Bowland, L. Ewing Jones et al.; Appeal from the Circuit Court of the United States for the Southern District of Ohio.

It appearing to the Court that a stipulation of Counsel for the respective parties to dismiss this appeal has been filed, Therefore, in pursuance of said stipulation, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed.

Per Mr. Chief Justice Fuller.

350. The American Bonding and Trust Company, Appellant, vs. Willis G. Bowland, L. Ewing Jones et al.; Appeal from the Circuit Court of the United States for the Southern District of Ohio.

It appearing to the Court that a stipulation of Counsel for the respective parties to dismiss this appeal has been filed, Therefore, in pursuance of said stipulation, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed.

Per Mr. Chief Justice Fuller.

The American Surety Co.,
348. v. Appellant,
Willis G. Bowland et al.,
The Fidelity & Casualty Co.,
349. v. Appellant,
Willis G. Bowland et al.,
The American Bonding & Trust Co.,
350. v. Appellant,
Willis G. Bowland et al.

It is ordered by the Court that leave be, and the same is hereby, granted the Clerk to issue the mandates in these cases.

The United States,
535. v.
Ju Toy.

This cause was argued by Mr. Assistant Attorney General McReynolds, of counsel for the United States, and Mr. Hayden Johnson, of counsel for Ju Toy.

The United States et al.,
180. v. Appellants,
Lineas Winans et al.

The argument of this cause was commenced by Mr. Solicitor General Hoyt, of counsel for the appellants.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Tuesday, April 11th, 1905.

Pursuant to adjournment the Court met to-day at the Capitol,

Present

The Honorable John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
} Associate Justices.

John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened;

180. The United States et al., Appellants, vs. Lineas Winans et al. The argument of this cause was continued by Mr. Solicitor General Hoyt, of counsel for the appellants, and Mr. Charles H. Carey, of counsel for the appellees, and concluded by Mr. Solicitor General Hoyt, of counsel for the appellants.

191. Isaac H. Harris, Plff in Error, vs. B. Dale. This cause was argued by Mr. G. H. S. Musgrave of counsel for the plaintiff in error, and Mr. John A. Small, of counsel for the defendant in error

193. Hannah O'Callaghan et al., Appellants, vs. Terence O'Brien, Admr &c., et al. Mr. James B. Howe, of Counsel for the appellants, suggested the death of Hannah O'Callaghan, one of the appellants, herein, and moved the Court to make Charles N. Farrell, Administrator of Hannah O'Callaghan, and Edward Corcoran, Sole heir-at-law of said Hannah O'Callaghan, parties appellants. Whereupon, It is now here ordered by the Court that the said Charles N. Farrell, Administrator, and Edward Corcoran, Sole heir-at-law, of Hannah O'Callaghan, deceased be, and they are hereby, made parties appellants in this cause.

193. Charles N. Farrell, Admr &c., et al., Appellants, vs. Terence O'Brien, Admr &c., et al. The argument of this cause was commenced by Mr. James B. Howe of Counsel for the appellants.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Wednesday, April 5th, 1905.

Pursuant to adjournment the Court met to-day at the Capitol.

Present.

The Honorable John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
} Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. George A. King it is ordered that W. Wilson Carlile, Esquire, of Columbus, State of Ohio, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Marion Erwin it is ordered that William J. Shroder, Esquire, of Cincinnati, State of Ohio be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. D. B. Jewell it is ordered that Grant D. Rosenzweig, Esquire, of Kansas City, State of Missouri, be admitted to practice as an attorney and counsellor

of this Court and he was sworn accordingly.

207. Enoch Hunsaker, Plff in Error, vs. Follee Ranch Company, In Error to the Circuit Court of the United States for the District of Utah.

This cause having been called for hearing in its regular order, and it appearing to the Court that the parties have failed to print the transcript of the record, It is, therefore, in pursuance of the tenth rule of this Court, now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed with costs.

Per Mr. Justice Harlan.

589. Stratton's Independence, Limited, Petitioner, vs. Tyson S. Dines et al, Executors &c, et al. It is ordered by the Court that leave be, and the same is hereby, granted to Counsel for the respondents to file an additional brief within ten days.

193. Charles A. Terrell, Admr &c, et al, Appellants, vs. Terence O'Brien, Admr &c, et al. The argument of this cause was concluded by Mr. James B. Howe, of Counsel for the appellants, and the cause was submitted on print

A. Mitchell, and Mr. William P. Hays, of Counsel, for the Appellees.

1914. Riverdale Cotton Mills, Petitioner, v. Alabama & Georgia Manufacturing Company et al.

The argument of this cause was commenced by Mr. Louis D. Brandeis, of Counsel for the petitioner, and continued by Mr. Marion Erwin, of Counsel for the respondents.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John N. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened,

On motion first made to the Court in this behalf by Mr. John W. Stone it is ordered that Walter B. Hill, Esquire, of East Liverpool, State of Ohio, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles A. Culberson it is ordered that Thomas J. Beall, Esquire, of El Paso, State of Texas be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

909. D. N. Holden et al., vs. Petitioners, J. A. Stratton, Trustee. This cause was submitted to the consideration of the Court on the record, and printed arguments by Mr. P. P. Carroll, of Counsel for the petitioners, and Mr. Frederick Bausman, of Counsel for the respondent.

194. Riverdale Cotton Mills, vs. Petitioner, Alabama & Georgia Manufacturing Company et al. The argument of this cause was continued by Mr. Marion Erwin, of Counsel for the respondents, and concluded by Mr. Louis D. Brandeis, of Counsel for the petitioner.

195. Joseph L. Harley vs. Appellant, The United States. The argument of this cause was commenced by Mr. William F. Dodge, of Counsel for the appellant, continued by Mr. C. C. Binney, of Counsel for the appellee, and concluded by Mr. A. A. Hoehling Jr., of Counsel for the appellant.

197. J. W. Guthrie et al., vs. Pltffs in Error, Henry O. Harkness. This cause was submitted to the consideration of the Court on the record and a printed argument by Mr. Abbot R. Heywood,

appeared for the defendant in error.

198. The Chicago, Milwaukee & St. Paul Railway Company, Appellant, vs. The United States. This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. George R. Peck, Mr. H. W. Dudley, and Mr. L. P. Michener, of Counsel for the appellant, and Mr. Assistant Attorney General Pradt and Mr. John D. Thompson, of Counsel for the appellee.

200. R. R. Dunbar et al. vs. Plffs in Error, Lucretia L. Green et al. This cause was submitted to the consideration of the Court on the record and a printed argument by Mr. L. F. Bird, of Counsel for the Plaintiffs in error. No brief was filed by Counsel for the defendants in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Friday, April 7th, 1905.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White, Associate
Rufus W. Peckham, Justices.
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Charles A. Robbit is ordered that Edgar J. Rich, Esquire, of Boston, State of Massachusetts, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas H. Clark it is ordered that A. Seymour Thurmond, Esquire, of El Paso, State of Texas, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. F. M. Collins it is ordered that E. J. Clements, Esquire, of Lincoln, State of Nebraska, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

201. W. J. Warder, Plff in Error, vs. Mrs. Laura Loomis et al. The argument of this cause was commenced by Mr. Jay Good, of counsel for the plaintiff in error, continued by Mr. Thomas J. Beall and Mr. Millard Patterson, of counsel for the defendants in error, and concluded by Mr. A. Seymour Pittmond, of counsel for the plaintiff in error.

204. Mike Hernan, Plff in Error, vs. The State of Texas. This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Cecil A. Smith, Mr. Amos L. Beaty and Mr. William P. Ellison, of counsel for the plaintiff in error, and Mr. C. K. Bell, of counsel for the defendant in error.

205. Edward Jaster, Sr., Plff in Error, vs. F. M. Currie. The argument of this cause was commenced by Mr. E. J. Clements of counsel for the defendant in error.

Proclamation being made the Court is adjourned until

Monday, April 10th, 1905.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened,

On motion first made to the Court in this behalf by Mr. John A. Brown it is ordered that Lloyd Charles Wellman, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Isaac R. Hill, Jr., it is ordered that Chester B. Masslich, Esquire, of Chicago, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Mr. John Lowell it is ordered that James A. Lowell, Esquire, of Boston, State of Massachusetts, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hampton L. Carson it is ordered that Rowland Evans, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. J. Clements it is ordered that O. A. Abbott, Esquire, of Grand Island, State of Nebraska, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas H. Clark it is ordered that Rebel Lee Robertson, Esquire, of Orange, and Ben M. Terrell, Esquire, of Fort Worth, State of Texas be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

99. Henry Muhlker, Plff in Error, vs. The New York & Harlem Railroad Company and The New York Central & Hudson River Railroad Company. In Error to the Supreme Court of the State of New York.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of New York, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice McKenna.

(Mr. Justice Brown concurs in the result.)

Dissenting:
Mr. Justice Holmes,
Mr. Chief Justice Fuller,
Mr. Justice White and
Mr. Justice Peckham.)

251.

51.

Monday, April 10th, 1905, Continued.

The United States ex rel. Martin A. Knapp, Judson C. Clements, James D. Yeomans, Charles A. Prouty and Joseph W. Fifer, Interstate Commerce Commissioners,

vs. Plff in Error,

The Lake Shore & Michigan Southern Railway Company.

In Error to the Circuit Court of the United States for the Northern District of Ohio.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Ohio, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby, affirmed with Costs.

Per Mr. Justice McKenna.

Fred Rasmussen,

vs. Plff in Error,

The United States.

In Error to the District Court of the United States for the District of Alaska.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of Alaska, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said District Court in this cause be, and the same is hereby, reversed; and that this

the said District Court with directions to set aside the verdict and grant a new trial.

Per Mr. Justice White.

(Mr. Justice Harlan and Mr. Justice Brown concur in the result.)

135. George S. Whitaker and Mary L. Whitaker Plffs in Error, v. Thomas McBride and William N. Killgore. In Error to the Supreme Court of the State of Nebraska.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Nebraska, and was argued by counsel. On consideration whereof it is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Brewer.

Ex parte In the matter of Albert Heff, Petitioner. On consideration of the petition for a writ of habeas corpus herein, of the return to the rule to show cause, and of the argument of counsel thereupon had, it is now here ordered by the Court that the petitioner is entitled to his discharge from imprisonment.

(No. 14, Original.) Per Mr. Justice Brewer.

Ex parte In the matter of The Commonwealth of Massachusetts, (Petitioner.)

15, Original.

On consideration of the petition for writs of prohibition, mandamus, and certiorari herein, of the return to the rule to show cause, and of the argument of counsel thereupon had, It is now here ordered by the Court that the rule to show cause be discharged and that said petition be, and the same is hereby, dismissed.

Per Mr. Chief Justice Fuller.

W. J. Harder, vs. Riff in Error,

201. Mrs. Laura Loomis, R. C. Loomis, A. M. Loomis et al,

In Error to the United States Circuit Court of Appeals for the Fifth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

Union Refrigerator Transit Co., vs. Riff in Error,

347. The Commonwealth of Kentucky

On consideration of the motion to advance this,

here ordered by the Court that said motion be, and the same is hereby, granted, and the cause assigned for argument on Tuesday, October 10th next, after the case heretofore assigned for that day.

Per Mr. Chief Justice Fuller.

530. Security Mutual Life, Insurance Company vs. Plff in Error, Henry R. Prewitt, Insurance Commissioner &c.

539. The Travelers Insurance Co, of Hartford, Conn. vs. Plff in Error, Henry R. Prewitt, Insurance Commissioner &c.

On consideration of the motions to advance these cases, It is now here ordered by the Court that said motions be, and the same are hereby, denied, without prejudice.

Per Mr. Chief Justice Fuller.

541. Daniel R. Kendall vs. Appellant, The American Automatic Loom Co.

On consideration of the motion to advance this cause under Rule 32, It is now here ordered by the Court that said motion be, and the same is hereby, granted, and the cause will be taken on printed briefs on or before April 7th.

Per Mr. Chief Justice Fuller.

583. First National Bank of Baltimore, Petitioner, vs. William A. Staake, Trustee &c. et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, granted.

Per Mr. Chief Justice Fuller.

584. Henry K. McHarg and A. A. Allegar, Receivers &c. et al., Petitioners, vs. William A. Staake, Trustee &c. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, granted.

Per Mr. Chief Justice Fuller.

517. The Kansas City Southern Railway Company, Petitioner, vs. Clark County. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit

580.

On consideration of the petition for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel in support of the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

per Mr. Chief Justice Fuller.

577. Albert C. Garrison et al., Petitioners, vs. Chicago, Milwaukee & St. Paul Railway Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit

585.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

per Mr. Chief Justice Fuller.

Memphis Consolidated Gas & Electric Company, (Petitioner,) vs. (Jane Lilson.)

On petition for writ of Certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

In consideration of the petition for a writ of Certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, ~~as made~~ in support of said petition, ~~and~~ the same, It is now here ordered by the Court that said petition be and the same is hereby denied.

Per Mr. Chief Justice Fuller.

Charles E. Moore et al., (Petitioners, vs. Robert B. Petty & Henry H. Negley, Executors of the Trustees of the estate of Catherine P. Negley, deceased, &c.)

On petition for a writ of Certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

In consideration of the petition for a writ of Certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel in support of the same, It is now here ordered by the Court that said petition be and the same is hereby denied.

Per Mr. Chief Justice Fuller.

Stratton's Independence, Limited, Petitioners, vs. Tyson S. Dines, Carl S. Chamberlain, and D. H. Rice, as Executors of the last will & testament of Wm. Field Scott Stratton, deceased, et al. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

584.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of Counsel thereupon had, as well, in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

The Western Electric Company, Petitioner, vs. John F. Hanselmann, Jr. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

593.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of Counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and, the same is hereby, denied.

Per Mr. Chief Justice Fuller.

Great Northern Railway Company, Petitioner
vs.
594. William C. Fowler. } On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel in support of the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

The United Engineering and Contracting Company, Petitioner,
vs.
595. Francis Broadnax. } On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

Ex parte In the matter of Oki Nifou, Petitioner. } Mr. Gilbert P. Lilly, of counsel for the petitioner, submit-

tion of the Court a motion for leave to file a petition for writs of habeas corpus and certiorari herein.

Lee Look,
5744. vs. Appellant,
Robert J. Langford, Sheriff of the County of Santa Clara.

Mr. J. H. Campbell, of Counsel for the appellee, suggested the death of Robert J. Langford and, Frank H. Ross, Jr., his successor as Sheriff of Santa Clara County the party appellee in this cause. Whereupon, It is now here ordered by the Court that the said Frank H. Ross Jr., Sheriff of the County of Santa Clara, be, and he is hereby, made the party appellee in this cause.

Lee Look,
5744. vs. Appellant,
Frank H. Ross, Jr., Sheriff &c.

The motions to dismiss or affirm in this cause were submitted to the consideration of the Court on the record and printed arguments by Mr. James H. Campbell, in support of the same, and Mr. A. A. Jarman, in opposition thereto.

Harry L. Jewell,
605. vs. Petitioner,
City of Superior.

The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. Chester B. Masslich, in support

Peter Cahill, owner &c.,
598. vs. Petitioner,
Morris & Cummings Dredging Co.

Peter Cahill, Owner &c.,
599. vs. Petitioner,
Annie Olsen, Admx &c.

The petition for writs of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. LaRoy S. Gore, and Mr. James J. Macklin, in support of the same, and Mr. Albert A. Gray, in opposition thereto.

The L. A. Kinsey Co., et al.,
280. vs. Petitioners,
The Board of Trade of the City of Chicago.

On motion of Mr. John A. Brown of counsel, leave is hereby granted to withdraw the appearance of Charles D. Fuller, as counsel for the petitioners in this cause.

Louis Auguste Marande, Jules Emile Roederer, and Paul Leon Roederer,
402. vs. Plffs in Error,
The Texas & Pacific Railway Company.

In Error to the United States Circuit Court of Appeals for the Second Circuit.

It appearing to the Court that a stipulation of counsel for the respective parties to dismiss the writ of error in this cause has been filed, Therefore, in pursuance of said stipulation, It is now

writ of error in this cause be, and the same is hereby, dismissed.

Per Mr. Chief Justice Fuller.

1493. Chicago & Western Indiana Railroad Company, Plff in Error, vs. Thomas Newell. The motions to dismiss or affirm in this cause were submitted to the consideration of the Court on the record and printed arguments by Mr. Harvey Lantz, in support of the same, and Mr. L. H. Kretzinger, in opposition thereto.

205. Edward Jaster, Sr., Plff in Error, vs. F. M. Currie. The argument of this cause was continued by Mr. E. J. Clements, of Counsel for the defendant in error, and Mr. O. A. Abbott, of counsel for the plaintiff in error, and concluded by Mr. E. J. Clements, of counsel for the defendant in error.

208. The Delaware, Lackawanna & Western Railroad Company, Plff in Error, vs. The Commonwealth of Pennsylvania. This cause was argued by Mr. H. E. Olmsted, of counsel for the plaintiff in error, and Mr. Hampton L. Carson, of counsel for the defendant in error.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened;

On motion first made to the Court in this behalf by Mr. D. S. Duncan it is ordered that Charles D. Thompson, Esquire, of Jersey City, State of New Jersey, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

220. The Atlantic Lumber Co., Petitioner, vs. The L. Bucki & Son Lumber Company. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

This cause having been called for hearing in its

that the parties have failed to print the transcript of the record, It is, therefore, in pursuance of the tenth rule of this Court, now here ordered and adjudged by this Court that the writ of certiorari in this cause be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Fuller.

No. 249. Nicholas Bowden, Executor &c., et al., Appellants, vs. The City and County of San Francisco. It is ordered by the Court that this cause be, and the same is hereby, continued until the next term, per stipulation of counsel.

No. 250. Charles E. Dawson et al., vs. Pliff's in Error, Thomas E. Haggaman, Collector &c. It is ordered by the Court that this cause be, and the same is hereby continued until the next term, per stipulation of counsel.

No. 297. Mary K. Walp, vs. Pliff in Error. C. A. Moar, M. M. Baker, E. E. Leavitt, and A. S. Foster, copartners under the firm-name of Lamkin & Foster. In Error to the Supreme Court of Errors of the State of Connecticut.

It appearing to the Court that an authority dated

for the plaintiff in error to dismiss the writ of error in this cause has been filed. Therefore, in pursuance of said authority, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Fuller.

210. The State of South Carolina, Appellant, vs. The United States. This cause was argued by Mr. J. A. Ralston, of counsel for the appellant, and Mr. Solicitor General Hoyt, of counsel for the appellee.

211. The Nederland Life Insurance Co., Limited, Petitioner, vs. Mary Meinert. It is ordered by the Court that this cause be, and the same is, hereby, continued until the next term, per stipulation of counsel.

212. The Texas & Pacific Railway Co., Plff in Error, vs. George A. Dashiell. This cause was argued by Mr. D. D. Duncan, of counsel for the plaintiff in error, and Mr. Ben M. Terrell, of counsel for the defendant in error, and leave was granted counsel to file additional briefs within three days.

913. Henry P. Booth, surviving Partner &c., Petitioner, vs. The Norwegian Bark "Eliza Lines", &al.,

On motion of Mr. Harrington Putnam, of Counsel, It is ordered by the Court that six hours be allowed for the argument of this cause.

913. Henry P. Booth, surviving Partner &c., Petitioner, vs. The Norwegian Bark "Eliza Lines" &c, et al.,

The argument of this cause was commenced by Mr. L. S. Dabney, of Counsel for the Petitioner.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Pursuant to adjournment the Court met today at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
} Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened,

On motion first made to the Court in this behalf by Mr. Charles A. Douglass it is ordered that Horace Petit, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

213. Henry P. Booth, surviving partner &c., Petitioner,
v.
The Norwegian Bark "Eliza Lines," etal.

The argument of this cause was continued by Mr. L. S. Dabney of counsel for the pe-

Administratrix, and Banque de Gens, and Mr. James A. Lowell and Mr. John Lowell, of counsel for Hans Andreasen, Claimant &c.)

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Pursuant to adjournment the Court met today at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices

John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in his behalf by Mr. Richard R. McMahon it is ordered that Vincent A. Riordan, Esquire, of Buffalo, State of New York, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Ex parte In the matter of Oli Nifong, Petitioner. On motion of Mr. Solicitor General Hoyt, leave is hereby granted him to file a printed brief in opposition to the motion for leave to file a petition for writs of habeas corpus and certiorari on or before the 19th instant.

213. Henry P. Booth, Surviving Partner &c., Petitioner, vs. The Norwegian Bark "Eliza Lines" &c., et al.) The argument of this cause was continued by Mr. John Lowell, of Counsel for Hans Andreasen, Claimant &c., Mr. Harrington Putnam, of counsel for Black, Admix &c., and Banque de Genes, and concluded by Mr. L. S. Dabney, of counsel for the petitioner.

215. Board of Trade of the City of Chicago, Appellant, vs. Hammond Elevator Co., et al. This cause was argued by Mr. Henry S. Robbins, of counsel for the appellant, and Mr. Lloyd Charles Whitman, of counsel for the appellees &.

216. A. C. Lane, vs. William E. Bennet.) The argument of this cause was commenced by Mr. William P. Jewell, of counsel for Lane.

Proclamation being made the Court is adjourned until tomorrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Harlan Cleveland it is ordered that Frank M. Loomis, Esquire, of Buffalo, State of New York, be admitted to practice as an attorney & Counsellor of this Court and he was sworn accordingly.

227. Nicholas J. Steigleder et al, Appellants, vs. Katherine Auguste McQuesten. This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. John E. Humphries, of counsel for the appellants &

Monday, April 14th, 1902, Continued.

216. N. C. Lane, vs. William E. Benner; The argument of this cause was continued by Mr. William P. Jewett, of Counsel for Lane, and Mr. John N. King, of Counsel for Benner, and concluded by Mr. William P. Jewett, of Counsel for Lane.

217. The Great Western Mining and Manufacturing Co., by L. C. Black, Receiver, vs. Charles A. Harris et al, Executors &c. Petitioner, The argument of this cause was commenced by Mr. Harlan Cleveland, of Counsel for the Petitioner.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Pursuant to adjournment the Court met to day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices

John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. A. B. Browne it is ordered that James P. Maccy and Fred Emmett, Esquires of Washington, District of Columbia, and George R. Ogden, Esquire of Missoula, State of Montana be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Julius M. Mayer it is ordered that Horace McGuire, Esquire, of Rochester, State of New York, be admitted to practice as an attorney and counsellor of this Court and he was sworn ac-

On motion first made to the Court in this behalf by Mr. W. W. Brown it is ordered that George L. Roberts, Esquire, of Pittsburgh, State of Pennsylvania, be admitted to practice as an attorney and Counsellor of this Court and he was sworn

On motion first made to the Court in this behalf by Mr. Charles A. Bergner it is ordered that John E. Fox and William M. Hargest, Esquires, of Harrisburg, State of Pennsylvania, be admitted to practice as attorneys and Counsellors of this Court and they were sworn accordingly.

113. The City of Covington et al., vs. Appellants, The First National Bank of Covington, Kentucky. — Appeals from the Circuit Court of the United States for the Eastern District of Kentucky.

114. The First National Bank of Covington, Kentucky, vs. Appellant, The City of Covington et al.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Kentucky, on appeal and cross-appeal, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is,

thereby, affirmed, each party to pay their own costs.

Per Mr. Justice Day.

169. John B. Humphrey vs. Plff in Error, Charles D. Tatman, Trustee in bankruptcy of Nelson H. Davis. In Error to the Superior Court of the State of Massachusetts.

This cause came on to be heard on the transcript of the record from the Superior Court of the State of Massachusetts, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Superior Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Superior Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Holmes.

460. Hiram Remington vs. Plff in Error, Central Pacific Railroad Company. In Error to the Circuit Court of the United States for the Northern District of New York.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of New York, and was

argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs, nunc pro tunc as of February 27, 1905.

Per Mr. Justice Holmes.

354. George W. Beavers, Appellant, vs. Charles J. Haubert, United States Marshal in and for the Eastern District of New York. Appeal from the District Court of the United States for the Eastern District of New York.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of New York, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the order of the said District Court in this cause be, and the same is hereby, affirmed with costs.

(per Mr. Justice McKenna.)

355. George W. Beavers, Appellant, vs. Charles J. Haubert, United States Marshal in and for the Eastern District of New York. Appeal from the Circuit Court of the United States for the Eastern District of New York.

This cause came on to be heard on the transcript of

for the Eastern District of New York, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the order of the said Circuit Court in this cause be, and the same is hereby affirmed, with costs.

Per Mr. Justice McKenna.

192. Joseph Lochner, Plff in Error, vs. The People of the State of New York. In Error to the County Court of Oneida County, State of New York.

This cause came on to be heard on the transcript of the record from the County Court of Oneida County, State of New York, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said County Court in this cause be, and the same is hereby, reversed, with costs; and that this cause be, and the same is hereby, remanded to the said County Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Peckham.

Dissenting:
Mr. Justice Holmes,
Mr. Justice Harlan,
Mr. Justice White and
Mr. Justice Day.

85. Pabst Brewing Company, Appellant, vs. Giles Y. Crenshaw and John J. Downey. Appeal from the Circuit Court of the United States for the Western District of Missouri.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western District of Missouri, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice White.

Dissenting:
Mr. Justice Brown,
Mr. Chief Justice Fuller,
Mr. Justice Brewer and
Mr. Justice Day.

308. John A. Benson, Appellant, vs. William Henkel, United States Marshal for the Southern District of New York. Appeal from the Circuit Court of the United States for the Southern District of New York.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York, and was argued by counsel. On consideration whereof

this Court that the order of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Brown.

The Chief Justice announced that the Court would adjourn from Thursday to Monday next; that the call of the docket would be suspended on Friday, the 28th instant, and that the Court would take a recess from Monday, May 1st to Monday, May 15th, and from Monday, May 5th to Monday, May 29th, on which day it would adjourn for the term.

Mike Hernan, Plff in Error, vs. The State of Texas. In Error to the Court of Criminal Appeals of the State of Texas.

204.

This cause came on to be heard on the transcript of the record from the Court of Criminal Appeals of the State of Texas, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Criminal Appeals in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Fuller.

216. N. C. Lane, vs. William E. Bennet. On a certificate from the United States Circuit Court of Appeals for the Eighth Circuit.

This cause came on to be heard on a certificate from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel. On consideration whereof, It is the opinion of this Court that the second question certified should be answered in the negative. Whereupon, It is now here ordered by this Court that it be so certified to the said United States Circuit Court of Appeals.

Per Mr. Chief Justice Fuller.

493. Chicago & Western Indiana Railroad Company, vs. Thomas Newell. Pff in Error, In Error to the Supreme Court of the State of Illinois.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, and on motions to dismiss or affirm which were argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

Lee Look,
Appellant,
vs.
514. Grand N. Ross, Jr., Sheriff of Santa Clara County, California.

Appeal from the District Court of the United States for the Northern District of California.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of California, and on motions to dismiss or affirm which were argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the order of the said District Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Fuller.

Lee Look,
Appellant,
vs.
514. Grand N. Ross, Jr., Sheriff &c.

It is ordered by the Court that the mandate in this cause issue at once.

Per Mr. Chief Justice Fuller.

Peter Cahill, Owner of the Steam Tug "O. L. Hallenbeck", her engines &c., Petitioner,
vs.
598. Morris & Cumings Dredging Co.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of

against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

599. Peter Cahill, Owner of the Steam Tug "O. L. Hallenbeck," her engines &c., Petitioner, v. Annie Olsen, Administratrix &c., of Thomas Olsen, deceased. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

605. Harry L. Jewell, Petitioner, v. City of Superior. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by

is hereby, denied.)

(per Mr. Chief Justice Fuller.)

610. The United States, Petitioner, vs. Emil Dieckerhoff et al. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Solicitor General Hoyt, in support of the same, and Mr. W. Wickham Smith, in opposition thereto.

611. Allan N. MacNabb Trustee &c., Petitioner, vs. The Bank of Le Roy. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Frank M. Loomis, in support of the same, and Mr. Vincent A. Riordan, in opposition thereto.

612 Herman Astrich, Petitioner, vs. German-American Insurance Co. of New York. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Charles A. Berguer, in support of the same, and Mr. William M. Hargest, in opposition thereto.

902. Alice D. Birrell vs. Plffs in Error, The New York & Harlem Railroad Co., et al.)

903. Patrick Kiernan, Executor &c., vs. (Plffs in Error, The New York & Harlem Railroad Co., et al.)

On motion of Mr. Edward Winslow Paige, of counsel for the defendants in error, It is ordered by the Court that these cases be placed at the foot of the call for Thursday next.

513. Robinson & Watson et al., vs. Plffs in Error, W. J. Wingate, County Judge &c.

The motions to dismiss or affirm in this cause were submitted to the consideration of the Court on the record and printed argument by Mr. R. L. Robertson, in support of the same.

534. Edwards Sanford Hatch, vs. Appellant, Henry B. Ketcham, Trustee &c.

The motions to dismiss or affirm in this cause were submitted to the consideration of the Court on the record and printed arguments by Mr. Benjamin N. Cardozo in support of the same, and Mr. John C. R. Gardner and Mr. A. B. Cruikshank, in opposition thereto.

The Great Western Mining & Manufacturing Co., by L. C. Black, Receiver,
217. vs. Petitioner,
Charles A. Harris et al., Executors, &c., et al.

The argument of this cause was continued by Mr. Brainard, Tolles, of counsel for the respondents, and concluded by Mr. Harlan Cleveland, of counsel for the petitioner.

The People of the State of New York ex rel. The Metropolitan Street Ry. Co.,
74. vs. Plff in Error,
The State Board of Tax Commissioners.
The People of the State of New York ex rel. The Twenty-third Street Railway Co.,
75. vs. Plff in Error,
The State Board of Tax Commissioners.
The People of the State of New York ex rel. The Central Crosstown R. R. Co.
76. vs. Plff in Error,
The State Board of Tax Commissioners.
The People of the State of New York ex rel. The Consolidated Gas Co. of N. Y.,
77. vs. Plff in Error,
The State Board of Tax Commissioners.
The People of the State of New York ex rel. The New Amsterdam Gas Co.,
78. vs. Plff in Error,
The State Board of Tax Commissioners.
The People of the State of New York ex rel. The Brooklyn City Railroad Co.
[illegible] vs. Plff in Error,

On motion of Mr. Elihu Root, of counsel for the plaintiffs in error in Nos. 74, 75, 76, 77 and 78 seven hours is hereby allowed for the argument of these cases.

The argument of these cases was commenced by Mr. William

The People of the State of New York ex rel. The Coney Island & Brooklyn R.R. Co., Plff in Error, vs. The State Board of Tax Commissioners.

No.

Counsel for the Plaintiffs in error in Nos. 74, 75 and 76.

Proclamation being made, the Court is adjourned until tomorrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Samuel W. Smith it is ordered that Kleber R. Rockwell, Esquire, of Pontiac, State of Michigan, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Lindsay it is ordered that D. Caffery, Jr., Esquire, of Franklin, State of Louisiana, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by

Esquire, of Monroe, State of Louisiana, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

74. The People of the State of New York ex rel. The Metropolitan Street Ry Co., vs. Aff in Error, The State Board of Tax Commissioners.

75. The People of the State of New York ex rel. The Twenty-third St. Ry Co., vs. Aff in Error, The State Board of Tax Commissioners.

76. The People of the State of New York ex rel. The Central Crosstown R.R. Co., vs. Aff in Error, The State Board of Tax Commissioners.

77. The People of the State of New York ex rel. The Consolidated Gas Co., of N.Y. vs. Aff in Error, The State Board of Tax Commissioners.

78. The People of the State of New York ex rel. The New Amsterdam Gas Co., vs. Aff in Error, The State Board of Tax Commissioners.

79. The People of the State of New York, ex rel. The Brooklyn City R.R. Co., vs. Aff in Error, The State Board of Tax Commissioners.

80. The People of the State of New York ex rel. The Coney Island & Brooklyn R.R. Co., vs. Aff in Error, The State Board of Tax Commissioners.

The argument of these cases was continued by Mr. William D. Guthrie, of Counsel for the plaintiffs in error in Nos. 74, 75 & 76, Mr. Julius M. Mayer and Mr. Louis Marshall, of Counsel for the defendant in error in Nos. 74, 75 and 76, and Mr. Elihu Root, of Counsel for the plaintiffs in error in Nos. 74, 75 & 76.

Proclamation being made the Court is adjourned

Wednesday, April 16th, 1902.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
} Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Julius M. Mayer it is ordered that William R. Tomlinson, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn according

Ex parte In the matter of
Eli Nixon,
Petitioner.

On motion of Mr. Gilbert P. Little, of counsel for the petitioner, leave is hereby granted him to file a reply brief herein within one week,

Josiah Millard,
vs. Appellant,
Ellis A. Roberts, Treasurer &c., et al.,

On motion of Mr. Josiah Millard leave is hereby granted him to docket this cause and enter his appearance in propria persona.

Plymouth Cordage Company, Newton Wagon Company et al.,
vs. Appellants,
323. J. A. Smith & Whitman & Barnes Manufacturing Company et al.

Appeal from the Supreme Court of the Territory of Oklahoma.

It appearing to the Court that a motion by counsel for the appellants to dismiss this appeal has been filed, Therefore, in pursuance of said motion, It is now here ordered, adjudged, and decreed, by this Court that this appeal be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Fuller.

The People of the State of New York ex rel. The Metropolitan Street Ry Co.,
74. vs. Plff in Error,
The State Board of Tax Commissioners.
The People of the State of New York ex rel. The Twenty-third St. Ry Co.,
75. vs. Plff in Error,
The State Board of Tax Commissioners.
The People of the State of New York ex rel. The Central Crosstown R. R. Co.,
76. vs. Plff in Error,
The State Board of Tax Commissioners.

The argument of these cases was continued by Mr. Elihu Root, of Counsel for the plaintiffs in error in Nos. 74, 75, 76, 77 & 78, Mr. Julius M. Mayer & Mr. Louis Marshall, of Counsel,

77. The People of the State of New York ex rel. The Consolidated Gas Co. of N.Y., vs. Riff in Error,
78. The State Board of Tax Commissioners vs. The People of the State of New York ex rel. The New Amsterdam Gas Co., vs. Riff in Error,
79. The State Board of Tax Commissioners vs. The People of the State of New York ex rel. The Brooklyn City R.R. Co., vs. Riff in Error,
80. The State Board of Tax Commissioners vs. The People of the State of New York ex rel. The Coney Island & Brooklyn R.R. Co., vs. Riff in Error,
The State Board of Tax Commissioners.

in No. 79.

for the defendants in error in Nos. 77 & 78, Mr. Elihu Root, of Counsel for the plaintiff in error in Nos. 77 and 78, Mr. Charles A. Collin, of Counsel, for the plaintiff in error in No. 79, and Mr. Julius M. Mayer, of Counsel for the defendant in error in No. 79, and concluded by Mr. Louis Marshall, of Counsel for the defendant in error

218. Lee L. Clark et al., vs. Riff in Error, E. J. Nash.

for the plaintiffs in error.

The argument of this cause was commenced by Mr. J. H. M. Whitecotton, of Counsel

Proclamation being made the Court is adjourned, until tomorrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices

John M. Wright, Esquire, Marshal,
James H. McKenney, Clerk.

Proclamation being made the Court is opened,

On motion first made to the Court in this behalf by Mr. F. L. Siddons it is ordered that Alvin C. Cass, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Mary E. Quinn,
201 of Oct. T. 1901. vs. Plff in Error,
Caroline A. Ladd et al.

On application of counsel for the defendants in error, It is ordered by the Court that leave be, and the same is hereby, granted to withdraw from the files an original exhibit sent up with the transcript of record and described as "Defendants' Exhibit

on leaving a certified copy of same.)
(Per Mr. Chief Justice Fuller.)

Ex parte In the matter of
Gertrude Glaser, Admx &c.,
16, Original. Petitioner.

This cause was submitted to the consideration of the Court on printed arguments by Mr. Richard A. Irving, of counsel for the petitioner, and Mr. Alvin C. Cass, of counsel for the respondents, with leave to counsel to file additional briefs within one week.

Lee L. Clark et al.,
218. vs. Plffs in Error,
E. J. Nash.

The argument of this cause was concluded by Mr. J. W. N. Whitecotton, of counsel for the plaintiffs in error. No counsel appeared for the defendant in error.

Adelaide M. Harding,
222 vs. Plff in Error,
George F. Harding.

This cause was argued by Mr. Pliny B. Smith, of counsel for the plaintiff in error, and Mr. William A. Barnum, of counsel for the defendant in error.

The Board of Trade of the
City of Chicago,
Mot. vs. Petitioner,
Christie Grain & Stock Co., et al.

It is ordered by the Court that six hours be allowed for the

280. The L. A. Kinsey Co., et al., Petitioners vs. The Board of Trade of the City of Chicago

these cases.

The argument of these cases was commenced by Mr. Henry S. Robbins, of Counsel for The Board of Trade of the City of Chicago.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Hoyt it is ordered that Charles S. Babcock, Esquire, of Chicago, State of Illinois, Henry A. Clark, Esquire, of Cripple Creek, State of Colorado; J. Aspinwall Hodge, Esquire, of New York City; and William Pike Hall, Esquire, of Shreveport, State of Louisiana, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. H. Gilfry it is ordered that Charles J. Schnabel, Esquire, of Portland, State of Oregon, be admitted to practice as an attorney and counsellor

On motion first made to the Court in this behalf by Mr. Charles A. Robbit it is ordered that Winslow, Evans, Esquire, of Peoria, State of Illinois, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George A. Howard it is ordered that Walter A. Bacon, Esquire, of Bridgeton State of New Jersey, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

205. Edward Jaster, Senior, Plff in Error, vs. F. M. Currie. In Error to the Supreme Court of the State of Nebraska.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Nebraska, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Holmes.

(Mr. Justice McKenna and Mr. Justice Day concur in the result.)

227. Nicholas J. Steigleder and Christina Steigleder, his wife, Appellants, vs. Katherine Auguste McQueelin. Appeal from the Circuit Court of the United States for the District of Washington.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Washington, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the Western District of Washington.

Per Mr. Justice Harlan.

230. Howe Scale Company of 1886 and Clay-Sholes Company, vs. Wyckoff, Seamans & Benedict. On writs of cross-writs of Certiorari to the United States Circuit Court of Appeals for the Second Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals and the decree of the Circuit Court of the United States for the District

hereby reversed, with costs to the defendants; and that this cause be, and the same is hereby remanded to the Circuit Court of the United States for the District of Vermont with a direction to dismiss the bill.

Per Mr. Chief Justice Fuller.

513.

50. Fernand Bonin, Valcour Bonin et al., Plffs in Error, v. The Gulf Company. On Error to the United States Circuit Court of Appeals for the Fifth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

513.

50. Fernand Bonin, Valcour Bonin et al., Petitioners, v. The Gulf Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

534.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel in support of the same, It is now here ordered by the Court that said petition be, and the same is hereby denied.

Per Mr. Chief Justice Fuller.

Robinson & Watson, a firm composed of F. W. Robinson and A. M. Watson, et al., Plffs in Error, v. W. J. Wingate, County Judge of Orange County, Texas, et al., } In Error to the Court of Civil Appeals of the First Supreme Judicial District of the State of Texas.

This cause came on to be heard on the transcript of the record from the Court of Civil Appeals of the First Supreme Judicial District of the State of Texas, and on motions to dismiss or affirm which were argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

Robinson & Watson et al., v. Plffs in Error, W. J. Wingate, County Judge &c., et al. } It is ordered by the Court that the mandate in this cause be issued at once.

Per Mr. Chief Justice Fuller.

Edwards Sanford Natch, v. Appellant, Henry B. Ketcham, Trustee in Bankruptcy of John Henry Hurlbutt et al., Composing the firm of Hurlbutt, Natch & Co. } Appeal from the United States Circuit Court of Appeals for the Second Circuit.

the record from the United States Circuit Court of Appeals for the Second Circuit, and on motions to dismiss or affirm which were argued by Counsel.

On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed, for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

607. Herman Astrich, Petitioner, vs. German-American Insurance Company of New York. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

611. Allan N. MacNabb, Trustee in bankruptcy of Herbert S. Jones and Ezra S. Jones, individually, and as copartners under the firm name of H. S. Jones & Co., bankrupts, Petitioner, vs. The Bank of Le Roy. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

On consideration of the petition for a writ of certiorari

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herein to the United States Circuit Court of Appeals, for the Second Circuit and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

(per Mr. Chief Justice Fuller.)

The United States,
vs. Petitioner,
Emil Diederhoff, Adolph, Erbslob, Rudolph Erbslob, and Ludwig Deuss, composing the firm of Diederhoff, Raffloer & Co., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

In consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, granted.

(per Mr. Chief Justice Fuller.)

The New York, New Haven & Hartford Railroad Co.,
vs. Appellant,
Interstate Commerce Commission
Interstate Commerce Commission,
vs. Appellant,
The Chesapeake & Ohio Ry Co., et al.

On motion of Mr. Solicitor General, Hoyt, It is ordered, by the Court that these cases be, and the same are hereby continued until

stipulation of counsel.)

308. John A. Benson, Appellant, vs. William Henkel, U.S. Marshal &c. The motion that the mandate in this cause issue at once was submitted to the consideration of the Court by Mr. Solicitor General Hoyt, in support of the same, and Mr. R. Golden Donaldson, in opposition thereto. 625.

354. George W. Beavers, Appellant, vs. Charles J. Haubert, U.S. Marshal &c.
355. George W. Beavers, Appellant, vs. Charles J. Haubert, U.S. Marshal &c. On motion of Mr. Solicitor General Hoyt, of counsel for the appellee, leave is hereby granted the Clerk to issue the mandates in these cases. 620.

624. The United States, Petitioners, vs. The Cornell Steamboat Co. The petition for a writ of certiorari herein was submitted to the Court on printed arguments by Mr. Solicitor General Hoyt, in support of the same, and Mr. R. D. Benedict, in opposition thereto. 431.

627. John W. Ballman, Appellant, vs. Vivian J. Fagin, U.S. Marshal &c. Mr. Solicitor General Hoyt, of counsel for the appellee, submitted

the Court a motion to advance this cause, and a suppos-
tion in relation thereto was submitted by Mr. Laurence
Maxwell Jr., Mr. Thomas F. Shay and Mr. Miller Outcalt,
of counsel for the appellant.

Charles C. Wilson,
vs. Petitioner,
Atlantic Coast Line R.R. Co.

The petition for a writ of
certiorari herein was
submitted to the con-
sideration of the Court
on printed arguments by Mr. Burton Smith, in
support of the same, and Mr. F. G. du Bignon, in
opposition thereto.

Frank Kelley et al.,
vs. Petitioners,
The Diamond Drill and Machine
Company.

The petition for a
writ of certiorari
herein was sub-
mitted to the con-
sideration of the
Court on printed argume[illegible] by Mr. Horace
Pettit, in support of the same, and Mr. W. P. Straw-
bridge, in opposition thereto.

Ignacio Rosales y Cueli,
vs. Plff in Error,
Dolores Moya y Rodriguez,
Guardian &c.

The motion to dismiss
in this cause was
submitted to the con-
sideration of the Court
on printed arguments
by Mr. George N. Lamar, in support of the same,
and leave was granted counsel for the plaintiff
in error to file a brief in opposition thereto on or
[illegible]

576. Edward B. Whitney, Trustee &c., vs. Appellant, Charles N. Wenman et al.) On motion of Mr. J. Aspinwall Hodge, of counsel for the appellant, It is ordered by the Court that this cause be, and the same is hereby, advanced, pursuant to the 3rd Rule.

576. Edward B. Whitney, Trustee &c., vs. Appellant, Charles N. Wenman et al. This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Robert D. Murray and Mr. George N. Gilman, of counsel for the appellant, and Mr. Edwin B. Smith and Mr. Louis F. Doyle, of counsel for the appellees, and leave was granted counsel for the appellants to file a reply brief within one week.

582. New York Telephone Co., vs. Petitioner, Charles N. Treat, Collector &c. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. C. Walter Artz, in support of the same, and Mr. Solicitor General Hoyt, in opposition thereto.

616. The District of Columbia, vs. Petitioner, John W. Lee. The petition for a writ of certiorari herein was submitted to the con-

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a printed argument by Mr. A. B. Duvall, Mr. E. K. Thomas, and Mr. P. N. Stephens, in support of the same.

The Leather Manufacturers' National Bank of New York City, Petitioner, vs. Charles N. Treat, Collector &c.

The petition for a writ of certiorari herein, was submitted to the consideration of the Court on printed arguments by Mr. Frank W. Hackett, in support of the same, and Mr. Solicitor General Hoyt, in opposition thereto.

John J. Cochran et al., Plffs in Error, vs. The County of Montgomery.

Mr. William L. Martin, of counsel for the defendant in error, submitted to the consideration of the Court a motion to vacate the order entered herein postponing the consideration of the motion to dismiss to the hearing on the merits.

John J. Cochran et al., Petitioners, vs. The County of Montgomery.

Mr. William L. Martin, of counsel for the respondent, submitted to the consideration of the Court a motion to vacate the order postponing the consideration of the petition for a writ of certiorari until case No. 179 is considered.

576. Herbert Barber et al., Petitioners vs. Edward R. Lazarus. The petition with of cer in was sus the consi of the Court by Mr. J. Parker Kirlin, of the same.

516. Thomas M. Riggins, Appellant, vs. The United States. On motion of H. Clark, in be Counsel for a lant, It is o the Court that this cause be, and the same advanced pursuant to the 3rd Rule.

586. Lottie R. Russell, Petitioner, vs. Benjamin Russell et al. The petition writ of cer herein was mitted to t sideration of the Court on printed arg by Mr. John G. Carlisle and Mr. John ton, in support of the same, and Mr. H. Bacon, in opposition thereto.

541. Daniel R. Kendall, Appellant, vs. The American Automatic Loom Company. This cause mitted to the ation of the the record Mr. arguments

Mark C. Rogers, of counsel for the appellan Mr. Benjamin N. Cardozo, of counsel for t

The Board of Trade of the City of Chicago, Petitioner,
vs.
Christie Grain & Stock Co., et al.
No. 774.

The L. A. Kinsey Co., et al., Petitioners,
vs.
The Board of Trade of the City of Chicago.
No. 780.

The argument of these cases was continued by Mr. Henry S. Robbins, of Counsel for The Board of Trade of the City of Chicago, Mr. James H. N. Hardless and Mr. W. H. Rossington, of Counsel for Christie, Grain & Stock Co., et al., and Mr. Lloyd Charles Whitman, of Counsel for L. A. Kinsey Company et al.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Tuesday, April 28th, 1903.

Pursuant to adjournment the Court met to-day at the Capitol.

Present:

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Hoyt it is ordered that John W. Threshie, Esquire, of Boston, State of Massachusetts, and William Lesser, Esquire, of New York City, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

627. John W. Ballmann, Appellant, vs. Vivian J. Fagin, U.S. Marshal &c.

On consideration of the motion to advance this cause, It is now here ordered by the Court that said motion be, and the same is hereby, granted, and the cause assigned for argument on Monday, May 4th.

Union Pacific Railroad Co., Appellant,
vs.
1143. Mason City & Fort Dodge Railroad Company.

It is ordered by the Court that this cause be, and the same is hereby, continued, until the next term, per stipulation of counsel.

The Attorney General of the State of Michigan ex rel. L. E. Kies et al., Plffs in Error,
vs.
1148. Thomas J. Lowrey et al.

It is ordered by the Court that this cause be, and the same is hereby, continued, until the next term, per stipulation of counsel.

The Board of Trade of the City of Chicago, Petitioner,
vs.
Mt. Christie Grain & Stock Co., et al.
The L. A. Kinsey Company et al., Petitioners,
vs.
280. The Board of Trade of the City of Chicago.

The argument of these cases was continued by Mr. Lloyd Charles Whitman and Mr. E. D. Crumpacker, of counsel for the L. A. Kinsey Co., et al., and concluded by Mr. Henry S. Robbins, of counsel for the Board of Trade of the City of Chicago.

On motion of Mr. Frederic A. McKenney leave is hereby granted to Mr. Julien T. Davies to file a printed brief herein.

925. The Louisville & Nashville Railroad Co., vs. The West Coast Naval Stores Co. Petitioner, This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. W. A. Blount and Mr. A. C. Blount, Jr., of Counsel for the petitioner, and Mr. John C. Avery, of Counsel for the respondent.

929. Henry Van Reed, vs. The Peoples National Bank of Lebanon, Pa. Plff in Error, This cause was submitted to the consideration of the Court on the record and printed, arguments by Mr. James W. M. Newlin, of Counsel for the plaintiff in error, and Mr. Percy S. Dudley, of Counsel for the defendant in error.

930. Reuben Hodges et al., vs. The United States. Plffs in Error, It is ordered by the Court that this cause be, and the same is hereby, continued, until the next term.

931. The Old Dominion Steamship Co., vs. Commonwealth of Virginia. Plff in Error, The argument of this cause was commenced by Mr. William A. White, of Counsel for the plaintiff in error, and continued by Mr. William A. Anderson, of Counsel for the defendant in error. Proclamation being made the Court is adjourned until tomorrow

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made, the Court is opened,

1741. José Nauleon y Castillo, Appellant, vs. José Urrutia y Cortor, Warden of the Penitentiary at San Juan, Porto Rico. Appeal from the Supreme Court of Porto Rico.

This cause having been called for hearing in its regular order, and it appearing to the Court that the parties have failed to print the transcript of the record, It is, therefore, in pursuance of the tenth rule of this Court, now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Fuller,

231. The Old Dominion Steamship Company, Plff in Error, vs. Commonwealth of Virginia.

The argument of this cause was continued by Mr. William A. Anderson, of counsel for the defendant in error, and concluded by Mr. William A. White, of counsel for the plaintiff in error.

232. A. A. Leonard et al., Plffs in Error, vs. The Vicksburg, Shreveport & Pacific Railroad Co. et al.

The argument of this cause was commenced by Mr. William P. Hall, of counsel for the plaintiffs in error, and continued by Mr. Harry H. Hall and Mr. Frank P. Stubbs, of counsel for the defendants in error, and Mr. William P. Hall, of counsel for the plaintiffs in error.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. William P. Hall it is ordered that Kenneth Baillio, Esquire, of Opelousas, State of Louisiana, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George A. King it is ordered that David C. Barrow, Esquire, of Savannah, State of Georgia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward Winslow Paige it is ordered that B. A. Younker, Esquire, of Des Moines, State of Iowa, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Henry Butler it is ordered that James M. Gifford, Esquire, of New York City, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

No. 23. A. N. Leonard et al., Plffs in Error, vs. The Vicksburg, Shreveport & Pacific Railroad Co., et al.

No. 202. Alice D. Birrell, Plff in Error, vs. The New York & Harlem Railroad Co., et al.

No. 203. Patrick Kierns, Executor &c., Plff in Error, vs. The New York & Harlem Railroad Co., et al.

The argument of this cause was concluded by Mr. William P. Hall, of counsel for the plaintiffs in error.

The argument of these cases was commenced by Mr. A. B. Cruikshank, of counsel for the plaintiffs in error, and continued by Mr. Ira A. Place and Mr. Edward Winslow Paige, of counsel for the defendants in error.

Proclamation being made the Court is adjourned until to-morrow at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.
John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

245. Ah Sin, Plff in Error, v. George W. Whitman, as Chief of Police &c.

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. George D. Collins, of Counsel for the plaintiff in error, and Mr. Lewis F. Byington and Mr. S. Harris, of Counsel for the defendant in error.

202. Alice L. Birrell, Plff in Error, v. The New York & Harlem Railroad Co. et al.

The argument of these cases was continued by Mr.

203. Patrick Kierns, Executor &c., Plff in Error, vs. The New York & Harlem Railroad Co., et al. Defts in Error. Paige, of counsel for the defendants in error, and concluded by Mr. A. B. Cruikshank, of counsel for the plaintiffs in error.

234. The Supreme Lodge Knights of Pythias, Plff in Error, vs. Henrietta Meyer. This cause was argued by Mr. Otto A. Droege, of counsel for the defendant in error, and submitted on a printed argument by Mr. Carlos S. Hardy and Mr. Lawrence G. Goodhart, of counsel for the plaintiff in error.

237. W. L. Wells Company, Petitioner, vs. Gastonia Cotton Manufacturing Company. The argument of this cause was commenced by Mr. J. Hirsh, of counsel for the petitioner, continued by Mr. Augustus A. Price, of counsel for the respondent, concluded by Mr. Charles W. Tillett, of counsel for the petitioner.

238. The Savannah, Thunderbolt & Isle of Hope Railway of Savannah, Plff in Error, vs. The Mayor & Aldermen of the City of Savannah. Re-argument of this cause was commenced by Mr. David C. Barrow, of counsel for the plaintiff in error

Proclamation being made, the Court is adjourned until Mon-

Pursuant to adjournment the Court met to-day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices

John N. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. F. P. Clark it is ordered that Joseph Packard, Esquire, of Baltimore, State of Maryland, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Addison C. Harris it is ordered that Alexander C. Ayres, Esquire, of Indianapolis, State of Indiana, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by

Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf, by Mr. Thomas N. Clark it is ordered that, Samuel P. G. Smith, Esquire, of St. Louis, State of Missouri, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

183.

200. (R. R. Dunbar, Elizabeth Dunbar, George Washington et al., Plffs in Error, v. Lucretia L. Green, William E. Green, Effie Green et al.) In Error to the Supreme Court of the State of Kansas.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Kansas, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court. Per Mr. Justice Brown.

523.

Monday May 1st 1905, Continued.

Rafael Rodriguez & Eurípides Rodriguez, vs. The United States — Affirm Error, — In Error to the District Court of the United States for the District of Porto Rico

This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of Porto Rico, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said District Court in this cause be, and the same is hereby affirmed.

Per Mr. Justice Harlan.

George W. Allen, Administrator of the estate of John J. Philbrick, deceased, vs. Franc M. Arguimbau, assuriving partner &c. — Affirm Error — In Error to the Supreme Court of the State of Florida.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Florida, and on motions to dismiss or affirm which were argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

Ex parte In the matter of Eli Nifong, Petitioner. — On consideration of the motion for leave to file a petition for writs of habeas corpus and certiorari herein, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said motion be, and the same is hereby, denied.
(per Mr. Chief Justice Fuller.)

279. John J. Cochran et al., Plffs in Error, vs. The County of Montgomery.
401. John J. Cochran et al., Petitioners, vs. The County of Montgomery.

On consideration of the motions to vacate the orders entered in these cases postponing the consideration of the motion to dismiss in No. 279 and the petition for a writ of certiorari in No. 401, It is now here ordered by the Court that said motions be, and the same are hereby, denied.
(per Mr. Chief Justice Fuller.)

308. John A. Benson, Appellant, vs. William Henkel, U.S. Marshal &c.

On consideration of the motion that the mandate in this cause issue at once, It is now here ordered by the Court that said motion be, and the same is hereby, granted.
(per Mr. Chief Justice Fuller.)

624. The United States, Petitioner, vs. The Cornell Steamboat Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

In consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, granted.

Per Mr. Chief Justice Fuller

561. The Leather Manufacturers' National Bank of New York City, Petitioner, vs. Charles H. Treat, Collector of U.S. Internal Revenue &c. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

In consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller

585. New York Telephone Company, Petitioner, vs. Charles N. Treat, as Collector of U.S. Internal Revenue &c. On petition for Certiorari to States Circuit of Appeals Second Circu

On consideration of the petition for a writ of herein to the United States Circuit Court of A for the Second Circuit, and of the argument sel thereupon had, as well in support of as a the same, It is now here ordered by the Cou said petition be, and the same is hereby de

Per Mr. Chief Justice Fu

586. Lottie R. Russell, Petitioner vs. Benjamin Russell and Howard Compton, individually, and as Executors of John Russell, deceased. On petition of certiorar United Stat Court of A for the Thi

On consideration of the petition for a writ herein to the United States Circuit Court of for the Third Circuit, and of the argumen sel thereupon had, as well in support of against the same, It is now here ordere the Court that said petition be, and the sam hereby, denied.

Per Mr. Chief Justice Fu

616. The District of Columbia, Petitioner, vs. John W. Lee. On petition for writ of certiorari to the Court of Appeals of the District of Columbia.

On consideration of the petition for a writ of certiorari herein to the Court of Appeals of the District of Columbia, and of the argument of counsel thereupon had, as well in support of as against the same, It is now hereby ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

620. Frank Kelley and E. W. Spielman, surviving copartners, trading under the firm name and style of Kelley & Brothers & Spielman, et al., Petitioners, vs. The Diamond Drill & Machine Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit and of the argument of counsel thereupon had, as well in support of as against the same, It is now hereby ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

625. Charles C. Wilson, Petitioner, v. Atlantic Coast Line Railroad Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit. 257.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

626. Herbert Barber and James Barber, doing business under the firm name of Barber & Company, Petitioners, v. Edward R. Lazarus. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit. 435.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied. 435.

Per Mr. Chief Justice Fuller.

Isaac K. Kerr, Plff in Error, vs. The United States. In Error to the United States Circuit Court of Appeals for the Seventh Circuit.

This cause having been called to the attention of the Court by Mr. Solicitor General Hoyt, of counsel for the defendant in error, and an authority of counsel for the plaintiff in error to dismiss the writ of error in this cause having been filed, Therefore, in pursuance of said authority, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed. Per Mr. Chief Justice Fuller.

Jack Gurvich, vs. The United States. On motion of Mr. Solicitor General Hoyt, of counsel for The United States, It is ordered by the Court that this cause be, and the same is hereby, advanced, and thereupon the cause was submitted to the consideration of the Court on the printed certificate.

Jack Gurvich, vs. The United States. On a certificate from the United States Circuit Court of Appeals for the Ninth Circuit.

This cause came on to be heard on a certificate from the United States Circuit Court of Appeals for the Ninth Circuit, and was submitted by counsel on said certificate. On consideration whereof, It is the

Certified should be that the District C
United States for the District of Alaska, D
erred in compelling the plaintiff in er
to trial before a jury composed of only
Whereupon, It is now here ordered by this Co
it be so certified to the said United States
Court of Appeals.

Per Mr. Chief Justice

Peter Pearson et al.,
622. vs. Petitioners,
William Williams, U.S. Commissioner of Immigration &c.

The petition for
certiorari here
submitted to
sideration
on printed a
by Mr. Eugene Treadwell, in support
and Mr. Solicitor General Hoyt, in opp
thereto.

William S. Bryan,
632. vs. Petitioner,
Joseph C. Dupoyster et al.

The petition for
of certiorari
was submit
the consider
the Court on printed arguments by Mr.
F. G. Smith and Mr. C. C. Calhoun, in supp
the same, and Mr. Ira Julian, in opposit

State of Louisiana,
11, Original. vs. Complainant,
State of Mississippi.

Mr. Harris El
Counsel for the
submitted to
sideration of the
motion to fix a day for the argument of this

637. The Consumers Gas Trust Co., et al., Petitioners, vs. Byron C. Quinby. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Addison C. Harris, in support of the same, and Mr. Alexander C. Ayres and Mr. Ferdinand Winter, in opposition thereto.

501. E. A. Wimbish, Superintendent &c., Appellant, vs. Henry Jamison. Mr. Minter Wimberly, of counsel for the appellant, submitted to the consideration of the Court a motion to advance this cause.

604. The Empire State-Idaho Mining and Developing Co., et al., Appellants, vs. Kennedy J. Stanley. The motion to dismiss in this cause was submitted to the consideration of the Court on the record and printed arguments by Mr. M. A. Folsom, in support of the same, and Mr. George Turner and Mr. W. B. Heyburn, in opposition thereto.

644. Louis A. Darnal, Petitioner, vs. The United States. The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. H. M. Smith, in support of the same, and leave

brief in opposition thereto on or before Friday next.)

238. The Savannah, Thunderbolt & Isle of Hope Railway of Savannah, Plff in Error,
v.
The Mayor & Aldermen of the City of Savannah.)

The argument of this cause was continued by Mr. David C. Barrow, of counsel for the plaintiff in error, and concluded by Mr. William Garrard, of counsel for the defendants in error.)

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Pursuant to adjournment the Court met to day at the Capitol.

Present

The Honorable Melville W. Fuller, Chief Justice,
John M. Harlan,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Hoyt it is ordered that Henry Reed Hatfield, Esquire, of Philadelphia, State of Pennsylvania; Lester A. Shawn, Esquire, of Mawn, State of Illinois; and Sherman P. McPherson, Esquire, of Cincinnati, State of Ohio, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. B. Browne it is ordered that C. D. Clark, Esquire, of Evanston, State of Wyoming, be admitted to practice as an attorney and counsellor of this Court and he

194. The Board of Trade of the City of Chicago, Petitioner, vs. Christie Grain and Stock Company and C. C. Christie. On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals in this cause be, and the same is, hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the Western District of Missouri for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Holmes.

Dissenting:
Mr. Justice Harlan,
Mr. Justice Brewer and
Mr. Justice Day.

195. The L. A. Kinsey Company et al, Petitioners, vs. Board of Trade of the City of Chicago. On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals

535.

for the Seventh Circuit, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the District of Indiana.

Per Mr. Justice Holmes.

Dissenting:
Mr. Justice Harlan,
Mr. Justice Brewer, and
Mr. Justice Day.

The United States, v. Ju Toy. On a certificate from the United States Circuit Court of Appeals for the Ninth Circuit.

This cause came on to be heard on a certificate from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel. On consideration whereof, It is the opinion of this Court that the first question certified should be answered in the negative; that the third question should be answered in the affirmative, with the result that the second question should be answered that the writ should be dismissed, as it should have been dismissed in this case. Whereupon, It is now here ordered by this Court that it be so certified to the said United States Circuit Court of Appeals.

Per Mr. Justice Holmes.

Dissenting:
Mr. Justice Brewer, Mr. Justice Peckham, and Mr. Justice Day.

195. Joseph L. Harley, Appellant, vs. The United States. Appeal from the Court of Claims.

This cause came on to be heard on the transcript of the record from the Court of Claims, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause be, and the same is hereby, affirmed.

Per Mr. Justice McKenna.

Dissenting: Mr. Justice Peckham.

191. Isaac A. Harris, Plff in Error, vs. B. Balk. In Error to the Supreme Court of the State of North Carolina.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of North Carolina, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, Reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Peckham.

Dissenting: Mr. Justice Harlan and Mr. Justice Day.

209. Daniel N. Holden and Lizzie N. Holden, bankrupts, Petitioners, v. J. A. Stratton, Trustee. On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel. On consideration whereof, it is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, reversed with costs, and that the decree of the District Court of the United States for the District of Washington be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of Washington.

Per Mr. Justice White.

(Mr. Justice McKenna took no part in the decision of this case.)

194. Riverdale Cotton Mills, Petitioner, v. The Alabama & Georgia Manufacturing Co. and Augusta Manufacturing Company. On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

This cause came on to be heard on the transcript of

Appeals for the Fifth Circuit, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, reversed with costs, and that the decree of the Circuit Court of the United States for the Northern District of Georgia in this cause be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court.

Per Mr. Justice Brewer.

237. W. L. Wells Company, Petitioner, vs. Gastonia Cotton Manufacturing Company. On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals with directions to set aside its own judgment, and for such further proceedings touching the merits of the case as may be consistent with the opinion of this Court and with law.

Per Mr. Justice Harlan.

George Schlosser, Plff in Error, vs. W. L. Hemphill, Richard Ryan, et al. Palo Alto County, Iowa. On Error to the Supreme Court of the State of Iowa.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Iowa, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

Ex parte In the matter of Gertrude Glaser, Administratrix of Isador Glaser, deceased. Petitioners. On consideration of the petition for a writ of mandamus herein, the return to the rule to show cause, and of the argument of counsel thereupon had, It is now here ordered by the Court that the rule to show cause be discharged and that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

State of Louisiana, Complainant, vs. State of Mississippi, Defendant. On consideration of the motion to fix a day for the argument of this cause, It is now here ordered by the Court that this cause be, and the

October 10th next, at the head of the call for that day.
(Per Mr. Chief Justice Fuller.)

501. E. A. Stimbish, Superintendent &c., Appellant, vs. Henry Jemison. On Consideration of the motion to advance this cause, It is now here ordered by the Court that said motion be, and the same is hereby granted, and the cause assigned for argument on Tuesday October 10th next, after the cases heretofore assigned for that day.
(Per Mr. Chief Justice Fuller.)

622. Peter Pearson and Enoch Pearson, Petitioners, vs. William Williams, United States Commissioner of Immigration &c. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

On Consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby granted.
(Per Mr. Chief Justice Fuller.)

632.

637.

William S. Bryan, Petitioner,
vs.
Joseph C. Duposter and Fort Jefferson Improvement Company. } On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

In consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

(per Mr. Chief Justice Fuller.)

The Consumers Gas Trust Company et al., Petitioners,
vs.
Byron C. Quinby. } On petition for writ of Certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

In consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

(per Mr. Chief Justice Fuller.)

641. Louis A. Darnal, Petitioner, vs. The United States. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel in support of the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

197. J. W. Guthrie et al., Plffs in Error, vs. Henry O. Harkness. It is ordered by the Court that this cause be, and the same is, hereby restored to the docket for oral argument and assigned for Tuesday, October 10th next, after the cases heretofore assigned for that day.

Per Mr. Chief Justice Fuller.

606. Simon Burns et al., Appellants, vs. John N. Hayes et al. The motions to dismiss or affirm in this cause were submitted to the consideration of the Court on printed arguments by Mr. Henry E. Davis, in support of the same, and Mr. John Ridout and Mr. R. Golden Donaldson, in opposition thereto.

12, Original. The State of Wisconsin, Complainant, vs. Ethan Allen Hitchcock, Secretary of the Interior. On motion of Mr. Assistant Attorney General Campbell, of counsel for the defendant, It is ordered by the Court that the time within which to file the answer of the defendant herein be, and the same is hereby, extended to October 9th next, as per stipulation of counsel.

639. Stephen A. Ralli et al., Petitioners vs. The Direct Navigation Co.

640. P. C. Haineken et al., Petitioners vs. The Direct Navigation Co.

The petitions for writs of certiorari herein, were submitted to the Consideration of the Court on printed arguments by Mr. Francis S. Laws, Mr. John F. Lewis, and Mr. James B. Stubbs, in support of the same, and Mr. M. F. Moll, in opposition thereto.

651. Benjamin F. McCauley, Petitioner, vs. The United States.

The petition for a writ of certiorari herein was submitted to the Consideration of the Court on printed arguments by Mr. A. A. Birney and Mr. A. F. Woodard, in support of the same, and Mr. Solicitor General Hoyt, in opposition thereto.

Monday, May 8th. 1905, Continued;

627 John W. Ballmann, Appellant, vs. Vivian J. Fagin, U.S. Marshal &c. This cause was argued by Mr. Lawrence Maxwell Jr., of Counsel for the appellant, and Mr. Solicitor General Hoyt, of counsel for the appellee.

Proclamation being made the Court is adjourned until Monday next at twelve o'clock.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice.
John M. Harlan,
David J. Brewer,
Henry B. Brown
Edward D. White, Associate
Rufus W. Peckham, Justices
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,

John M. Wright, Esquire, Marshal.,
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. M. D. Rosenberg it is ordered that Gustave Gunzendorfer, Esquire, of San Francisco, State of California, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. J. Thompson it is ordered that Harry J. Bone, Esquire, of Ashland, State of Kansas, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Miller Kenyon it is ordered that Samuel W. Cooper, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry E. Davis it is ordered that P. Taylor Bryan, Esquire, of St. Louis, State of Missouri, and Stuart McNamara, Esquire, of the District of Columbia, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. L. F. Michener it is ordered that Milton N. Fowler, Esquire, of Poughkeepsie, State of New York, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. H. McGowan it is ordered that Henry Wood Fowler, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Crammond Kennedy it is ordered that

Aylett R. Cotton Jr., Esquire, of Iloilo, Philippine Islands, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles A. Culberson it is ordered that Robert L. Batts, Esquire, of Austin, State of Texas, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. F. Shafroth it is ordered that Earl A. Cochran, Esquire, of Denver, State of Colorado, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. S. D. Thomas it is ordered that Samuel Merrick, Esquire, of Merrick, State of South Dakota, and Robert S. Hume, Esquire, of the State of Virginia, be admitted to practice as attorneys and counsellors of this Court and they were sworn accordingly.

192. Cimiotti Unhairing Company and John W. Sutton, Petitioners, vs. American Fur Refining Company and Max Misch ke. On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals in this cause be, and the same, is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the District of New Jersey.

Per Mr. Justice Day.

238. The Savannah, Thunderbolt & Isle of Hope Railway of Savannah, Georgia, vs. The Mayor and Aldermen of the City of Savannah. In Error to the Supreme Court of the State of Georgia.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Georgia, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme

Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Holmes.

180. The United States, Thomas Simpson, and White Swan, vs. Appellants, Lineas Winans and Audubon Winans, Partners, doing business under the firm name of Winans Brothers. Appeal from the Circuit Court of the United States for the District of Washington.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Washington, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the Western District of Washington for further proceedings in accordance with the opinion of this Court.

Per Mr. Justice McKenna.

Dissenting:
Mr. Justice White.

The Chicago, Milwaukee & St. Paul Railway Company, Appellant, v. The United States. — Appeal from the Court of Claims.

195. 903.

This cause came on to be heard on the transcript of the record from the Court of Claims, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause be, and the same is hereby, affirmed.

Per Mr. Justice McKenna.

Alice S. Birrell, Plff in Error, v. The New York & Harlem Railroad Company and The New York Central & Hudson River Railroad Company. — In Error to the Supreme Court of the State of New York.

202. 908.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of New York, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice McKenna.

Dissenting: Mr. Chief Justice Fuller, Mr. Justice White, Mr. Justice Peckham and Mr. Justice Holmes.

Patrick Kierns, Executor and Trustee of John Kierns, deceased, Plff in Error, vs. The New York & Harlem Railroad Company and The New York Central & Hudson River Railroad Company. In Error to the Supreme Court of the State of New York.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of New York, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby reversed, with costs; and that this cause be, and the same is hereby remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice McKenna,

Dissenting:
Mr. Chief Justice Fuller,
Mr. Justice White,
Mr. Justice Peckham, and
Mr. Justice Holmes.

The Delaware, Lackawanna & Western Railroad Company, Plff in Error, vs. The Commonwealth of Pennsylvania. In Error to the Supreme Court of the State of Pennsylvania.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Pennsylvania, and was argued by counsel. On

adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Peckham.

Dissenting:
Mr. Chief Justice Fuller.

218. Lee L. Clark, Robert N. Bennett, P. F. Carlisle et al., Plffs in Error, v. E. J. Nash. In Error to the Supreme Court of the State of Utah.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Utah, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby affirmed with costs.

Per Mr. Justice Peckham.

Dissenting:
Mr. Justice Harlan and Mr. Justice Brewer.

159. Abram P. Thompson, Plff in Error, v. Joseph J. Darden. In Error to the Supreme Court of Appeals of the State of Virginia.

This cause came on to be heard on the transcript of the

222.

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record from the Supreme Court of Appeals of the State of Virginia, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court of Appeals in this cause be, and the same is hereby, affirmed with Costs.

Per Mr. Justice White.

Adelaide M. Harding, Plff in Error, vs. George P. Harding. In Error to the Supreme Court of the State of California.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of California, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, reversed with Costs; and that this cause be, and the same is hereby remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice White.

(Mr. Justice Brown concurs in the result.)

Dominion Steamship Company, Plff in Error, vs. Commonwealth of Virginia. In Error to the Supreme Court of Appeals of the State of Virginia.

record from the Supreme Court of Appeals of the State of Virginia, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court of Appeals in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Brewer.

(Mr. Justice McKenna took no part in the decision of this case.)

Dissenting:
Mr. Justice Harlan,
Mr. Justice White and
Mr. Justice Day.

The Empire State-Idaho Mining and Developing Company and The American Bonding Company of Baltimore, Appellants,
vs.
Kennedy J. Hanley.

Appeal from the United States Circuit Court of Appeals for the Ninth Circuit.

604.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and on a motion to dismiss, which was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

139. The First National Bank of Chicago et al, Petitioners vs. The Chicago Title and Trust Company et al. — On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel. On consideration whereof, it is now here ordered, adjudged, and decreed by this Court that the decrees of the said United States Circuit Court of Appeals in this cause be, and the same are hereby, reversed, with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals with a direction to dismiss the appeals, and to remand the cause to the District Court of the United States for the Northern District of Illinois, for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Taft.

639. Stephen A. Ralli, Alexander A. Vlastro, Ambrose P. Ralli, and Theodor A. Vlastro, copartners, trading as Ralli Brothers, Petitioners, vs. The Direct Navigation Company. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel

thereupon had, as well in support of as ag
same, It is now here ordered by the Court
petition be, and the same is hereby, denie
per Mr. Chief Justice Ful

640. P. C. Heineken and J. Vogelsang, Copartners, trading as Heineken & Vogelsang, Petitioners, vs. The Direct Navigation Company. On petition for
tiorari to the
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Circuit.

On consideration of the petition for a writ
herein to the United States Circuit Court
for the Fifth Circuit, and of the argume
sel thereupon had, as well in support of as
the same, It is now here ordered by the C
said petition be, and the same is hereby, d
per Mr. Chief Justice Fu

651. Benjamin F. McCauley, Petitioner, vs. The United States. On petition for writ of
the Court of Appe
District of Colu

On consideration of the petition for a writ of
herein to the Court of Appeals of the District
Columbia, and of the argument of counsel
had, as well in support of as against the
It is now here ordered by the Court that
petition be, and the same is hereby, denie
per Mr. Chief Justice Fule

606. Simon Burns et al., vs. Appellants, John W. Hayes et al.

It is ordered by the Court that the further consideration of the motions to dismiss or affirm in this cause be, and the same is hereby, postponed until the hearing of the cause on the merits.

Per Mr. Chief Justice Fuller.

535. The United States vs. Jn Toy.

Mr. Solicitor General Hoyt submitted to the consideration of the Court a motion that the mandate in this cause be issued at once which was opposed by Mr. John Ridout, in behalf of counsel for Jn Toy.

643, 644 & 645. George E. Green, Appellant, vs. Clinton D. MacDougall, U.S. Marshal &c.

The motions to dismiss or affirm in these cases were submitted to the consideration of the Court on the records and printed arguments by Mr. Solicitor General Hoyt and Mr. Assistant Attorney General Purdy, in support of the same, and Mr. John G. Johnson, in opposition thereto.

656 & 657. William A. Staake, Trustee &c., Petitioner, vs. Watts, Robertson & Robertson et al.

The petitions for writs of certiorari herein were submitted to the consideration of the Court on printed arguments by Mr. S. H. Cooper and Mr. A. Gordon [illegible]

Mr. S. Hamilton Graves, in opposition thereto.

653. The Pitch Pine Lumber Co., Petitioner, vs. William S. Rosasco et al. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. C. C. Burlingham and Mr. Harrington Putnam, in support of the same, and Mr. J. Parker Kirlin and Mr. Charles R. Hickox, in opposition thereto.

656. Simon Burns et al., Appellants, vs. John W. Hayes et al. The motion for a rule to show cause on the appellees herein why they should not be punished for contempt was submitted to the consideration of the Court by Mr. John Ridout and Mr. R. Golden Donaldson, of counsel for the appellants.

654. The Brunswick-Balke-Collender Company, Petitioner, vs. John G. Klumpp et al. The petition for a writ of certiorari herein was submitted to the consideration of the Court on a printed argument by Mr. Joseph C. Clayton, in support of the same, and leave was granted counsel for the respondents to file a brief in opposition thereto on or before the 2nd instant.

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647.

663.

638.

Martha Raphael, Administratrix, &c., Petitioner,
vs.
The Rio Grande Western Railway Company et al.

The petition for a writ of certiorari herein was submitted to the consideration of the

Court on printed arguments by Mr. Charles Locke, Easton, in support of the same, and Mr. William Mason Smith, Mr. Adrian H. Joline, and Mr. E. M. Shepard, in opposition thereto, and leave was granted counsel for petitioner to file a reply brief within three days.

D. G. Fritzlen et al., Petitioners,
vs.
Boatmens Bank of St. Louis, Missouri

The petition for a writ of certiorari herein was submitted to the consideration of the

Court on printed arguments by Mr. H. J. Bone and Mr. D. R. Kite, in support of the same, and Mr. James S. Botsford, in opposition thereto.

John B. McPherson, Judge &c., Petitioner,
vs.
American Soda Fountain Co.

The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. William G. Henderson, in support of the same.

Francis A. Dreher, Petitioner,
vs.

The petition for a writ of certiorari herein was

sideration of the Court on printed arguments by Mr. Samuel Maddox, in support of the same, and Mr. Andrew B. Duvall and Mr. P. N. Stephens, in opposition thereto.

398. John C. Orrell et al., vs. Riffe in Error, The Bay Manufacturing Co. — The motion to dismiss in this cause was submitted to the consideration of the Court on the record and printed arguments by Mr. E. J. Bowers, in support of the same, and Mr. E. M. Barber, Mr. Frederic D. McKenney, Mr. J. Spalding Flannery, and Mr. William Hitz, in opposition thereto.

660. Last Chance Mining Co., et al., vs. Petitioners, Bunker Hill and Sullivan Mining and Concentrating Company. — The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. George Turner and Mr. W. B. Heyburn, in support of the same, and Mr. Curtis H. Lindley, Mr. N. Eickhoff, and Mr. M. A. Folsom, in opposition thereto.

227. Nicholas J. Steigleder et al., vs. Appellants, Katherine Auguste McQuesten. — It is ordered by the Court that the mandate in this cause issue at once per stipulation filed.

588. Edward N. Shoesmith, Appellant, vs. A. Meyer Boot & Shoe Manufacturing Co., et al. The motion to dismiss in this cause was submitted to the consideration of the Court on printed arguments by Mr. Gwynn Garnett, in support of the same, and Mr. William R. Payne, in opposition thereto.

5, Original. The State of Missouri, Complainant, vs. The State of Nebraska. It is ordered by the Court that the report of the Commissioners herein be filed and that said report be confirmed unless exceptions thereto are filed within two weeks.

Proclamation being made the Court is adjourned until Monday the 29th instant at twelve o'clock.

Monday, May 29th, 1905.

Pursuant to adjournment the Court met to-day at the Capitol.

Present,

The Honorable Melville W. Fuller, Chief Justice,
David J. Brewer,
Henry B. Brown,
Edward D. White,
Rufus W. Peckham,
Joseph McKenna,
Oliver Wendell Holmes,
William R. Day,
Associate Justices.

John M. Wright, Esquire, Marshal.
James H. McKenney, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Hoyt it is ordered that Reeves Trenchard Strickland, Esquire, of the District of Columbia be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles S. Davis it is ordered that James C. Hering, Esquire, of Seattle, State of Washington, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Crandal Mackey it is ordered that Robert Lee

Montague, Esquire, of Washington, District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Simon Wolf it is ordered that Eugene A. Jones, Esquire, of the District of Columbia, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel B. Jeffries it is ordered that John W. Haliburton, Esquire, of Carthage, State of Missouri, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry F. Greene it is ordered that Roger S. Powell, Esquire, of Duluth, State of Minnesota, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. N. T. Crutchfield it is ordered that George L. Newby, Esquire, of Louisville, State of Kentucky, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr.

Esquire, of Little Rock, State of Arkansas, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederic D. McKenney it is ordered that Vinton Pike, Esquire, of St. Joseph, State of Missouri, and John D. Grace, Esquire, of New Orleans, State of Louisiana, be admitted to practice as attorneys and Counsellors of this Court and they were sworn accordingly. 217.

On motion first made to the Court in this behalf by Mr. Robert W. Wells it is ordered that Charles Henry Topping, Esquire, of New York City, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. D. W. Baker it is ordered that Martin Conboy, Esquire, of New York City, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Henry Butler it is ordered that L. S. Rowe, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly. 229.

On motion first made to the Court in this behalf by

Esquire, of Monroe, State of North Carolina, be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

The Great Western Mining and Manufacturing Company by L. C. Black, its Receiver, Petitioner, vs. Charles A. Harris et al., Executors of B. D. Harris, deceased. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals in this cause be, and the same is hereby affirmed with costs; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the District of Vermont.

Per Mr. Justice Gray.

Mr. Justice Brewer concurs in the result.

Henry Van Reed, Plff in Error, vs. The Peoples National Bank of Lebanon, Pennsylvania. In Error to the Court of Appeals of the State of New York.

This cause came on to be heard on the transcript of

New York, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Court of Appeals in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Day.

576. Edward B. Whitney, Trustee in bankruptcy of Daniel Le Roy Dresser and Charles E. Reiss, as members of the firm of Dresser & Co., Appellant, vs. Charles A. Wenman, Stuyvesant Fish, George C. Boldt et al.

Appeal from the District Court of the United States for the Southern District of New York.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of New York, and was argued by Counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Day.

Union Trust Company and, Security Warehousing Company, vs. Henry L. Wilson, Trustee in bankruptcy of Harry L. Rinders. 424. On a certificate from the United States Circuit Court of Appeals for the Seventh Circuit.

This cause came on to be heard on a certificate from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel. On consideration whereof, It is the opinion of this Court that the first and second questions certified should be answered in the affirmative. Whereupon, It is now here ordered by this Court that it be so certified to the said United States Circuit Court of Appeals.

Per Mr. Justice Holmes.

Dissenting:
Mr. Justice Harlan,
Mr. Justice Brewer and
Mr. Justice Day.

The Texas & Pacific Railway Company vs. George H. Dashiell. 217. Plff in Error. In Error to the United States Circuit Court of Appeals for the Fifth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by Counsel. On consideration whereof, It is now here ordered, and adjudged by this Court that the judgment of

in this cause be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the Northern District of Texas.

Per Mr. Justice McKenna.

Dissenting:
Mr. Justice Brewer,
Mr. Justice Brown, and
Mr. Justice Peckham.

234. The Supreme Lodge, Knights of Pythias, Plff in Error, vs. Henrietta Meyer. In Error to the Supreme Court of the State of New York.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of New York, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice McKenna.

245. Ah Sin, Plff in Error, vs. George W. Wittman, Chief of Police of the City and County of San Francisco, California. In Error to the Superior Court in and for the City and County of San Francisco, State of California.

record from the Superior Court of the City and County of San Francisco, State of California, and was argued by Counsel. On Consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Superior Court in this cause be, and the same is hereby, affirmed with costs.

(per Mr. Justice McKenna.)

Dissenting;
Mr. Justice Peckham.

The Louisville & Nashville Railroad Company, Petitioner,
vs.
The West Coast Naval Stores Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

225.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by Counsel. On Consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals and the judgment of the Circuit Court of the United States for the Northern District of Florida in this cause be, and the same are hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court for further proceedings not inconsistent with the opinion of this Court.

(per Mr. Justice Peckham.)

Dissenting;
Mr. Justice Brewer.

541. Daniel R. Kendall, Appellant, v. The American Automatic Loom Company. Appeal from the Circuit Court of the United States for the Southern District of New York.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause be, and the same is hereby, affirmed, with costs.

Per Mr. Justice Peckham.

165. Margaret Cunnius, now Margaret Smith, Plff in Error, v. The Reading School District. In Error to the Supreme Court of the State of Pennsylvania.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Pennsylvania, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice White.

170. Giovanni Lavagnino, (Aff'in Error,) vs. Edmund A. Uhlig, Alexander McKernan and The St. Joe Mining Company. } In Error to the Supreme Court of the State of Utah.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Utah, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice White.

(Mr. Justice Brewer concurs in the result.)

Dissenting:

Mr. Justice McKenna.

193. Charles A. Farrell, Administrator, and Edward Corcoran, sole heir at law, of Hannah O'Callaghan, deceased, and Edward Corcoran, Appellants, vs. Terence O'Brien, as Administrator of the estate of John Sullivan, deceased, Marie Annan et al. } Appeal from the United States Circuit Court of Appeals for the Ninth Circuit.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and on a motion

consideration whereof, It is now here ordered adjudged and decreed by this Court that this appeal be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Justice White.

Charles H. Harrell, Administrator, and Edward Corcoran, sole heir at law, of Hannah O'Callaghan, deceased, and Edward Corcoran, Petitioners, vs. Terence O'Brien, as Administrator of the estate of John Sullivan, deceased, Marie Carran et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

193.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, granted. It is further ordered that the transcript of record filed on the appeal be taken as a return to said writ.

Per Mr. Justice White.

Charles H. Farrell, Administrator, &c. and Edward Corcoran, sole heir at law of Hannah Callaghan, deceased, and, Edward Corcoran, Appellants,
vs.
Terence O'Brien, Administrator of the estate of John Sullivan, deceased, Marie Carran et al.

On writ of Certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

193.

This cause came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals in this cause be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the Circuit Court of the United States for the Western District of Washington.

Per Mr. Justice White.

Frederick A. Hyde,
vs. Appellant,
John N. Shine, United States Marshal in and for the Northern District of California, et al.

Appeal from the Circuit Court of the United States for the Northern District of California.

406.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of California, and was argued by counsel. On consideration whereof, It is now here

dered, adjudged, and decreed by this Court that the order of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Brown.

Dissenting:
Mr. Justice Peckham,
Mr. Justice White, and
Mr. Justice McKenna.

215.

410. Henry P. Dimond, Appellant, vs. John A. Shine, United States Marshal in and for the Northern District of California, et al.

Appeal from the Circuit Court of the United States for the Northern District of California.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of California, and was argued by counsel. On consideration whereof, it is now here ordered, adjudged, and decreed by this Court that the order of the said Circuit Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Brown.

Dissenting:
Mr. Justice Peckham,
Mr. Justice White and
Mr. Justice McKenna.

74.

Board of Trade of the City of Chicago, Appellant;
vs.
Hammond Elevator Company and The Western Union Telegraph Company.

Appeal from the Circuit Court of the United States for the Northern District of Illinois.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Illinois, and was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court in this cause dismissing the bill as to the Hammond Elevator Company be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court for further proceedings.

Per Mr. Justice Brown.

Dissenting:
Mr. Chief Justice Fuller,
Mr. Justice Harlan and
Mr. Justice Day.

The People of the State of New York ex rel. The Metropolitan Street Ry. Co., Plff in Error,
vs.
The State Board of Tax Commissioners.

In Error to the Supreme Court of the State of New York.

This cause came on to be heard on the transcript of the

and was argued by Counsel. On Consideration Whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Brewer.

75. The People of the State of New York ex rel. The Twenty-third Street Ry Co., Plff in Error, v. The State Board of Tax Commissioners. In Error to the Supreme Court of the State of New York.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of New York, and was argued by Counsel. On Consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Brewer.

76. The People of the State of New York ex rel. The Central Crosstown R.R. Co., Plff in Error, v. The State Board of Tax Commissioners. In Error to the Supreme Court of the State of New York.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of New York, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the

77.

78.

is hereby, affirmed with costs.

Per Mr. Justice Brewer.

The People of the State of New York ex rel. The Consolidated Gas Company of New York, vs. The State Board of Tax Commissioners, Aff'm Error, } In Error to the Supreme Court of the State of New York.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of New York, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Brewer.

The People of the State of New York ex rel. The New Amsterdam Gas Co. vs. The State Board of Tax Commissioners, Aff'm Error, } In Error to the Supreme Court of the State of New York.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of New York, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Brewer.

79. The People of the State of New York ex rel. The Brooklyn City R.R. Co., Plff. in Error, vs. The State Board of Tax Commissioners. In Error to the Supreme Court of the State of New York. 188.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of New York, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Brewer.

80. The People of the State of New York ex rel. The Coney Island & Brooklyn Railroad Company, Plff. in Error, vs. The State Board of Tax Commissioners. In Error to the Supreme Court of the State of New York. 233.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of New York, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Brewer.

William H. H. Gleason, Plff in Error
vs.
Edward L. White

In Error to the Supreme Court of the State of Florida.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Florida, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Brewer

N. A. Leonard, George R. Wilson
R. N. Smith et al,
vs.
The Vicksburg, Shreveport & Pacific Railroad Company et al.

Plffs in Error,

In Error to the Supreme Court of the State of Louisiana.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Louisiana, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller

Frederic W. Lincoln et al., Plffs in Error,
1149. vs.
The United States.

It is ordered by the Court that leave be granted to file petitions for rehearing in these cases addressed solely to two points to

Warner, Barnes & Company, Limited, Appellant,
466. vs.
The United States.

Congress ratified the collection of the sums to be recovered in these suits, and whether it has to do so; and the applications for rehearing will be submitted by both sides on printed briefs on the first Monday of the next term.

Per Mr. Chief Justice Fu

John W. Ballmann,
vs.
The United States.

On consideration of the application for a writ herein, It is now ordered by the Court that said writ of error be, and the same is hereby, to operate as a supersedeas on plaintiff in Error bond, conditioned according to law, in the sum of $5,000, to be approved by the Judge of District Court of the United States for the South District of Ohio.

Per Mr. Chief Justice Fu

The United States,
535. vs.
Jn Toy.

On consideration of the motion that the mandate in this cause issue at once

It is now here ordered by the Court that said motion be and the same is

606. Simon Burns et al., vs. John N. Hayes et al. Appellants,

On consideration of the motion of the appellants for a rule on the appellees to show cause, why they should not be punished for contempt herein, It is now here ordered by the Court that said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

643, 644 & 645. George E. Green, vs. Clinton D. MacDougall, United States Marshal &c. Appellant,

It is ordered by the Court that the further consideration of the motions to dismiss or affirm in these causes be, and the same is hereby, postponed until the hearing of the causes on the merits.

It is further ordered that these causes be, and the same are hereby, advanced and assigned for argument on Tuesday, October 10th next, together the causes heretofore assigned for that day.

Per Mr. Chief Justice Fuller.

638. Francis A. Dunlap, vs. The District of Columbia, Petitioner.

On petition for writ of certiorari to the Court of Appeals of the District of Columbia.

On consideration of the petition for a writ of certiorari herein to the Court of Appeals of the District of Columbia, and of the argument of counsel thereupon had as well in support of as against the same, It is now here ordered by the Court that said petition [illegible] the same is hereby [illegible]

Per Mr. Chief Justice [illegible]

653. D. G. Fritzlen and Dana P. Fritzlen, Petitioners, vs. Boatmens Bank of St. Louis, Missouri. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

654. The Pitch Pine Lumber Company, Petitioner, vs. William S. Rosasco and Albert T. Rosasco. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

The Brunswick-Balke-Collender Company, Petitioner, vs. John G. Klumpp et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

Upon consideration of the petition for a writ of certiorari, herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

William A. Staake, Trustee of C. R. Baird, trading as C. R. Baird & Co., bankrupt, Petitioner, vs. Hattie Robertson & Robertson et al. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

Upon consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

William A. Staake, Trustee of C. R. Baird, trading as C. R. Baird & Co., bankrupt, Petitioner, vs. Charles Robertson & Robertson et al. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

657.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

Martha Raphael, Administratrix of the estate of Nathaniel W. Raphael, deceased, Petitioner, vs. The Rio Grande Western Railway Company et al. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

659.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, as well in support of as against the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

663. John B. McPherson, Judge of the United States District Court in and for the Eastern District of Pennsylvania, and ex officio Circuit Judge, Petitioner, vs. American Soda Fountain Company. On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

On consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel in support of the same, It is now here ordered by the Court that said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Fuller.

398. John C. Orrell, Henry Hode, and Mary Hode, Plffs in Error, vs. The Bay Manufacturing Company. On Error to the Supreme Court of the State of Mississippi.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Mississippi, and on a motion to dismiss which was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

1431. Ignacio Rosales y Ruli, Aff'in Error, vs. Dolores Maya y Rodriguez, guardian & next friend of her infant son Antonio Maya Rosales, et al. — In Error to the District Court of the United States for the District of Porto Rico.

672.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of Porto Rico, and on a motion to dismiss, which was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error in this cause be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

678.

588. Edward N. Shoesmith, Appellant vs. N. Meyer Boot & Shoe Manufacturing Company et al. — Appeal from the District Court of the United States for the Northern District of Illinois.

4 Orig.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Illinois, and on a motion to dismiss which was argued by counsel. On consideration whereof, It is now here ordered, adjudged, and decreed by this Court that this appeal be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Fuller.

Lewis C. Burnes et al, vs. Petitioners, Frances B. Burnes et al. The petition for a writ of Certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. Stephen S. Brown, Mr. John C. Dolman, Mr. A. P. Jetmore, and Mr. Samuel M. Gardenhire, in support of the same, and Mr. Frank Hagerman and Mr. Vinton Pike, in opposition thereto, and leave was granted Counsel for the petitioners to file an additional brief within fifteen days.

P. S. Bailey vs. Petitioner, Thomas P. Tilleford, The petition for a writ of Certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. H. J. Haynesworth, in support of the same, and Mr. Robert B. Redwine, in opposition thereto.

The State of Missouri, vs. Complainant, The State of Illinois et al. Mr. Frank S. Bright, the Commissioner appointed to take the testimony in this cause presented his report and the same was ordered to be filed.

The State of Missouri, vs. Complainant, The State of Illinois et al. On motion of Mr. S. B. Jeffries, of Counsel for the complainant, It is ordered by the Court

filed.

4, Original. The State of Missouri, Complainant, vs. The State of Illinois et al. Mr. S. B. Jeffries, of counsel for the complainant, submitted to the consideration of the Court a motion for an order fixing the compensation of the Commissioner for his services in supervising the printing of the record herein.

4, Original. The State of Missouri, Complainant, vs. The State of Illinois et al. On motion of Mr. S. B. Jeffries, of counsel for the complainant, leave is hereby granted to withdraw certain exhibits filed herein for the purpose of reproducing the same.

4, Original. The State of Missouri, Complainant, vs. The State of Illinois et al. Mr. S. B. Jeffries, of counsel for the complainant, submitted to the consideration of the Court a motion to fix a day for the argument of this cause.

680. Joseph Bisso et al., Petitioners, vs. Malvina L. Quinette. The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. John D. Grace and Mr. Lamar C. Quintero, in support of the same.

Joseph R. DeLamar,
v. Petitioner,
tah-Nevada Company.

The petition for a writ of certiorari herein was submitted to the consideration of the

urt on printed arguments by Mr. E. S. Pillsbury, support of the same, and Mr. James L. Maguire, Mr. N. H. Nelson, and Mr. J. P. Houx, in opposition reto.

Ex parte In the matter of
Benjamin F. McCauley,
Petitioner.

Mr. N. P. Woodard, of counsel for the petitioner, submitted to the consideration

the Court a motion for leave to file a petition for rits of habeas corpus and certiorari herein, hich motion was opposed by Mr. Solicitor neral Hoyt, for The United States. On consider tion whereof, It is now here ordered by the Court t said motion be, and the same is hereby, nied.

Per Mr. Chief Justice Fuller.

The Guardian Trust & Deposit
mpany et al.,
v.
. J. Fisher et al.

The petition for a writ of certiorari to bring up the entire record and cause herein was

ubmitted to the consideration of the Court by Mr. John Peirce Bruns and Mr. Archibald A. aylor, in support of the same.

682. Gustav Scherf, Appellant, vs. P. J. Curtis, Sheriff of the City and County of San Francisco, California.

Mr. William R. Hare, of counsel for the appellee, having filed in open Court the following certificate, to wit:

"In the Circuit Court of the United States, for the Northern District of California.

I, Southard Hoffman, Clerk of the Circuit Court of the United States of America, of the Ninth Judicial Circuit, in and for the Northern District of California, do hereby certify, that in a certain matter pending in said Circuit Court, entitled "In the matter of the application of Gustav Scherf for a writ of habeas corpus", (and wherein it is alleged in the petition by said Gustav Scherf that he is illegally restrained and deprived of his liberty by P. J. Curtis, Sheriff of the City and County of San Francisco, State of California), an order was made and entered by said Circuit Court, upon the 28th day of November 1904, denying the writ of habeas corpus prayed in and by the petition of said Gustav Scherf, and dismissing his petition for said writ; that upon said 28th day of November 1904, said Gustav Scherf prayed an appeal to the Supreme Court of the United States from said above-mentioned order denying writ of habeas corpus, and dismissing his petition, and such appeal was allowed by said Circuit Court, by its order made and entered upon the 28th day of November 1904.

unto subscribed my name, and affixed the seal of said Circuit Court, at San Francisco, this second day of May, in the year of our Lord one thousand nine hundred and five.

(Seal)

Southard Hoffman,
Clerk of the Circuit Court of the United States of America, Ninth Judicial Circuit, Northern District of California."

moved the Court to docket and dismiss this cause, pursuant to the 6th rule; and it appearing to the Court that the appellant has failed to have his cause filed and docketed in conformity with the rules of this Court, It is now here ordered, adjudged, and decreed by this Court that this appeal from the Circuit Court of the United States for the Northern District of California be, and the same is hereby, docketed and dismissed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court to be proceeded in according to law and justice.

Per Mr. Chief Justice Fuller.

666. R. J. Wallridge, Petitioner, vs. W. P. Walker & Company. The petition for a writ of certiorari herein was submitted to the consideration of the Court by Mr. R. L. Batts, in support of the

665. Leonidas M. Lawson et al., Petitioners, vs. United States Mining Co. The petition for a writ of certiorari herein was submitted to the consideration of the Court on a printed argument by Mr. Ogden Hiles, Mr. Charles J. Hughes, Jr., and Mr. Lindsay R. Rogers, in support of the same, and leave was granted counsel for the respondents to file a brief in opposition thereto within thirty days and to counsel for the petitioners to file a reply thereto within thirty days thereafter.

677. Big Six Development Co., Petitioner, vs. S. Duffield Mitchell. The petition for a writ of certiorari herein was submitted to the consideration of the Court on printed arguments by Mr. John G. Halliburton and Mr. Frank Hagerman, in support of the same, and Mr. S. Duffield Mitchell, in propria persona, in opposition thereto.

535. The United States, vs. Ju Toy. Mr. John Ridout, in behalf of counsel for Ju Toy, submitted to the consideration of the Court a motion for leave to submit a petition for rehearing herein. Whereupon, It is now here ordered by the Court that said motion be, and the same is hereby, denied.

Order.

It is now here ordered by the Court that all the Cases on the docket not decided, and all the other business of the term not disposed of by the Court be, and the same are hereby, continued until the next term of the Court.

Per Mr. Chief Justice Fuller.

Proclamation being made the Court is adjourned to the time and place appointed by law.